

Senator Ann Millner proposes the following substitute bill:

EDUCATION RECODIFICATION REPEALERS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ann Millner

House Sponsor: Val L. Peterson

LONG TITLE

General Description:

This bill repeals public education code provisions.

Highlighted Provisions:

This bill:

- ▶ repeals the Parent Choice in Education Act;
- ▶ repeals the Electronic High School Act;
- ▶ repeals various outdated public education code provisions; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-9-802, as renumbered and amended by Laws of Utah 2018, Chapter 3

53G-10-503, as renumbered and amended by Laws of Utah 2018, Chapter 3

53G-10-508, as renumbered and amended by Laws of Utah 2018, Chapter 3

59-12-102, as last amended by Laws of Utah 2018, Chapters 25, 281, 415, 424, and 472



26 **63I-1-253**, as last amended by Laws of Utah 2018, Chapters 107, 117, 385, 415, and
27 453

28 **63I-2-253**, as last amended by Laws of Utah 2018, Chapters 107, 281, 382, 415, and
29 456

30 **63I-2-263**, as last amended by Laws of Utah 2018, Chapters 38, 95, 382, and 469

31 **63N-3-105**, as last amended by Laws of Utah 2016, Chapter 34

32 REPEALS:

33 **53A-1a-804**, as enacted by Laws of Utah 2007, Chapter 30

34 **53A-1a-805**, as enacted by Laws of Utah 2007, Chapter 30

35 **53A-1a-806**, as last amended by Laws of Utah 2011, Chapter 342

36 **53A-1a-808**, as last amended by Laws of Utah 2008, Chapter 382

37 **53A-1a-811**, as enacted by Laws of Utah 2007, Chapter 30

38 **53E-10-601**, as renumbered and amended by Laws of Utah 2018, Chapter 1

39 **53E-10-602**, as renumbered and amended by Laws of Utah 2018, Chapter 1

40 **53E-10-603**, as renumbered and amended by Laws of Utah 2018, Chapter 1

41 **53E-10-604**, as renumbered and amended by Laws of Utah 2018, Chapter 1

42 **53E-10-605**, as renumbered and amended by Laws of Utah 2018, Chapter 1

43 **53E-10-606**, as renumbered and amended by Laws of Utah 2018, Chapter 1

44 **53E-10-607**, as renumbered and amended by Laws of Utah 2018, Chapter 1

45 **53E-10-608**, as renumbered and amended by Laws of Utah 2018, Chapter 1

46 **53E-10-609**, as renumbered and amended by Laws of Utah 2018, Chapter 1

47 **53F-2-313**, as renumbered and amended by Laws of Utah 2018, Chapter 2

48 **53F-2-413**, as renumbered and amended by Laws of Utah 2018, Chapter 2

49 **53F-2-509**, as renumbered and amended by Laws of Utah 2018, Chapter 2

50 **53F-2-517**, as renumbered and amended by Laws of Utah 2018, Chapter 2

51 **53F-2-518**, as renumbered and amended by Laws of Utah 2018, Chapter 2

52 **53F-5-208**, as renumbered and amended by Laws of Utah 2018, Chapter 2

53 **53F-6-202**, as renumbered and amended by Laws of Utah 2018, Chapter 2

54 **53G-3-103**, as renumbered and amended by Laws of Utah 2018, Chapter 3

55 **53G-4-1001.5**, as renumbered and amended by Laws of Utah 2018, Chapter 3

56 **63N-3-110**, as last amended by Laws of Utah 2018, Chapter 415

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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53G-9-802** is amended to read:

53G-9-802. Dropout prevention and recovery -- Flexible enrollment options -- Contracting -- Reporting.

(1) (a) Subject to Subsection (1)(b), an LEA shall provide dropout prevention and recovery services to a designated student, including:

(i) engaging with or attempting to recover a designated student;

(ii) developing a learning plan, in consultation with a designated student, to identify:

(A) barriers to regular school attendance and achievement;

(B) an attainment goal; and

(C) a means for achieving the attainment goal through enrollment in one or more of the programs described in Subsection (2);

(iii) monitoring a designated student's progress toward reaching the designated student's attainment goal; and

(iv) providing tiered interventions for a designated student who is not making progress toward reaching the student's attainment goal.

(b) An LEA shall provide the dropout prevention and recovery services described in Subsection (1)(a):

(i) throughout the calendar year; and

(ii) except as provided in Subsection (1)(c)(i), for each designated student who becomes a designated student while enrolled in the LEA.

(c) (i) A designated student's school district of residence shall provide dropout recovery services if the designated student:

(A) was enrolled in a charter school that does not include grade 12; and

(B) becomes a designated student in the summer after the student completes academic instruction at the charter school through the maximum grade level the charter school is eligible to serve under the charter school's charter agreement as described in Section **53G-5-303**.

(ii) In accordance with Subsection (1)(c)(iii), a charter school that does not include grade 12 shall notify each of the charter school's student's district of residence, as determined under Section **53G-6-302**, when the student completes academic instruction at the charter

88 school as described in Subsection (1)(c)(i)(B).

89 (iii) The notification described in Subsection (1)(c)(ii) shall include the student's name,
90 contact information, and student identification number.

91 (2) (a) An LEA shall provide flexible enrollment options for a designated student that:

92 (i) are tailored to the designated student's learning plan developed under Subsection
93 (1)(a)(ii); and

94 (ii) include two or more of the following:

95 (A) enrollment in the LEA in a traditional program;

96 (B) enrollment in the LEA in a nontraditional program;

97 (C) enrollment in a program offered by a private provider that has entered into a
98 contract with the LEA to provide educational services; or

99 (D) enrollment in a program offered by another LEA.

100 (b) A designated student may enroll in:

101 (i) a program offered by the LEA under Subsection (2)(a), in accordance with this
102 public education code, rules established by the State Board of Education, and policies
103 established by the LEA; or

104 [~~(ii) the Electronic High School, in accordance with Title 53E, Chapter 10, Part 6,~~
105 ~~Electronic High School; or~~]

106 [(~~iii~~) (ii) the Statewide Online Education Program, in accordance with Title 53F,
107 Chapter 4, Part 5, Statewide Online Education Program.

108 (c) An LEA shall make the LEA's best effort to accommodate a designated student's
109 choice of enrollment under Subsection (2)(b).

110 (3) Beginning with the 2017-18 school year and except as provided in Subsection (4),
111 an LEA shall enter into a contract with a third party to provide the dropout prevention and
112 recovery services described in Subsection (1)(a) for any school year in which the LEA meets
113 the following criteria:

114 (a) the LEA's graduation rate is lower than the statewide graduation rate; and

115 (b) (i) the LEA's graduation rate has not increased by at least 1% on average over the
116 previous three school years; or

117 (ii) during the previous calendar year, at least 10% of the LEA's designated students
118 have not:

- 119 (A) reached the students' attainment goals; or
- 120 (B) made a year's worth of progress toward the students' attainment goals.
- 121 (4) An LEA that is in the LEA's first three years of operation is not subject to the
- 122 requirement described in Subsection (3).
- 123 (5) An LEA described in Subsection (3) shall ensure that:
- 124 (a) a third party with whom the LEA enters into a contract under Subsection (3) has a
- 125 demonstrated record of effectiveness engaging with and recovering designated students; and
- 126 (b) a contract with a third party requires the third party to:
- 127 (i) provide the services described in Subsection (1)(a); and
- 128 (ii) regularly report progress to the LEA.
- 129 (6) An LEA shall annually submit a report to the State Board of Education on dropout
- 130 prevention and recovery services provided under this section, including:
- 131 (a) the methods the LEA or third party uses to engage with or attempt to recover
- 132 designated students under Subsection (1)(a)(i);
- 133 (b) the number of designated students who enroll in a program described in Subsection
- 134 (2) as a result of the efforts described in Subsection (6)(a);
- 135 (c) the number of designated students who reach the designated students' attainment
- 136 goals identified under Subsection (1)(a)(ii)(B); and
- 137 (d) funding allocated to provide dropout prevention and recovery services.
- 138 (7) The State Board of Education shall:
- 139 (a) ensure that an LEA described in Subsection (3) contracts with a third party to
- 140 provide dropout prevention and recovery services in accordance with Subsections (3) and (5);
- 141 and
- 142 (b) on or before October 30, 2017, and each year thereafter, report to the Education
- 143 Interim Committee on the provisions of this section, including a summary of the reports
- 144 submitted under Subsection (6).

145 Section 2. Section **53G-10-503** is amended to read:

146 **53G-10-503. Driver education funding -- Reimbursement of school districts for**
147 **driver education class expenses -- Limitations -- Excess funds -- Student fees.**

- 148 (1) (a) Except as provided in Subsection (1)(b), a school district that provides driver
- 149 education shall fund the program solely through:

150 (i) funds provided from the Automobile Driver Education Tax Account in the Uniform
151 School Fund as created under Section 41-1a-1205; and

152 (ii) student fees collected by each school.

153 (b) In determining the cost of driver education, a school district may exclude:

154 (i) the full-time equivalent cost of a teacher for a driver education class taught during
155 regular school hours; and

156 (ii) classroom space and classroom maintenance.

157 (c) A school district may not use any additional school funds beyond those allowed
158 under Subsection (1)(b) to subsidize driver education.

159 (2) (a) The state superintendent of public instruction shall, prior to September 2nd
160 following the school year during which it was expended, or may at earlier intervals during that
161 school year, reimburse each school district that applied for reimbursement in accordance with
162 this section.

163 (b) A school district that maintains driver education classes that conform to this part
164 and the rules prescribed by the board may apply for reimbursement for the actual cost of
165 providing the behind-the-wheel and observation training incidental to those classes.

166 (3) Under the state board's supervision for driver education, a school district may:

167 (a) employ personnel who are not licensed by the board under Section 53E-6-201; or

168 (b) contract with private parties or agencies licensed under Section 53-3-504 for the
169 behind-the-wheel phase of the driver education program.

170 (4) The reimbursement amount shall be paid out of the Automobile Driver Education
171 Tax Account in the Uniform School Fund and may not exceed:

172 (a) \$100 per student who has completed driver education during the school year;

173 (b) \$30 per student who has only completed the classroom portion in the school [~~or~~
174 ~~through the electronic high school~~] during the school year; or

175 (c) \$70 per student who has only completed the behind-the-wheel and observation
176 portion in the school during the school year.

177 (5) If the amount of money in the account at the end of a school year is less than the
178 total of the reimbursable costs, the state superintendent of public instruction shall allocate the
179 money to each school district in the same proportion that its reimbursable costs bear to the total
180 reimbursable costs of all school districts.

181 (6) If the amount of money in the account at the end of any school year is more than the
182 total of the reimbursement costs provided under Subsection (4), the superintendent may
183 allocate the excess funds to school districts:

184 (a) to reimburse each school district that applies for reimbursement of the cost of a fee
185 waived under Section 53G-7-504 for driver education; and

186 (b) to aid in the procurement of equipment and facilities which reduce the cost of
187 behind-the-wheel instruction.

188 (7) A local school board shall establish the student fee for driver education for the
189 school district. Student fees shall be reasonably associated with the costs of driver education
190 that are not otherwise covered by reimbursements and allocations made under this section.

191 Section 3. Section 53G-10-508 is amended to read:

192 **53G-10-508. Programs authorized -- Minimum standards.**

193 (1) Local school districts may:

194 (a) allow students to complete the classroom training portion of driver education
195 through [~~the following programs:~~] home study;

196 [~~(i) home study; or~~]

197 [~~(ii) the electronic high school;~~]

198 (b) provide each parent with driver education instructional materials to assist in parent
199 involvement with driver education including behind-the-wheel driving materials;

200 (c) offer driver education outside of school hours in order to reduce the cost of
201 providing driver education;

202 (d) offer driver education through community education programs;

203 (e) offer the classroom portion of driver education in the public schools and allow the
204 student to complete the behind-the-wheel portion with a private provider:

205 (i) licensed under Section 53-3-504; and

206 (ii) not associated with the school or under contract with the school under Subsection
207 53G-10-503(3); or

208 (f) any combination of Subsections (1)(a) through (e).

209 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
210 State Board of Education shall establish minimum standards for the school-related programs
211 under Subsection (1).

212 Section 4. Section 59-12-102 is amended to read:

213 **59-12-102. Definitions.**

214 As used in this chapter:

215 (1) "800 service" means a telecommunications service that:

216 (a) allows a caller to dial a toll-free number without incurring a charge for the call; and

217 (b) is typically marketed:

218 (i) under the name 800 toll-free calling;

219 (ii) under the name 855 toll-free calling;

220 (iii) under the name 866 toll-free calling;

221 (iv) under the name 877 toll-free calling;

222 (v) under the name 888 toll-free calling; or

223 (vi) under a name similar to Subsections (1)(b)(i) through (v) as designated by the

224 Federal Communications Commission.

225 (2) (a) "900 service" means an inbound toll telecommunications service that:

226 (i) a subscriber purchases;

227 (ii) allows a customer of the subscriber described in Subsection (2)(a)(i) to call in to

228 the subscriber's:

229 (A) prerecorded announcement; or

230 (B) live service; and

231 (iii) is typically marketed:

232 (A) under the name 900 service; or

233 (B) under a name similar to Subsection (2)(a)(iii)(A) as designated by the Federal

234 Communications Commission.

235 (b) "900 service" does not include a charge for:

236 (i) a collection service a seller of a telecommunications service provides to a

237 subscriber; or

238 (ii) the following a subscriber sells to the subscriber's customer:

239 (A) a product; or

240 (B) a service.

241 (3) (a) "Admission or user fees" includes season passes.

242 (b) "Admission or user fees" does not include annual membership dues to private

243 organizations.

244 (4) "Agreement" means the Streamlined Sales and Use Tax Agreement adopted on
245 November 12, 2002, including amendments made to the Streamlined Sales and Use Tax
246 Agreement after November 12, 2002.

247 (5) "Agreement combined tax rate" means the sum of the tax rates:

248 (a) listed under Subsection (6); and

249 (b) that are imposed within a local taxing jurisdiction.

250 (6) "Agreement sales and use tax" means a tax imposed under:

251 (a) Subsection 59-12-103(2)(a)(i)(A);

252 (b) Subsection 59-12-103(2)(b)(i);

253 (c) Subsection 59-12-103(2)(c)(i);

254 (d) Subsection 59-12-103(2)(d)(i)(A)(I);

255 (e) Section 59-12-204;

256 (f) Section 59-12-401;

257 (g) Section 59-12-402;

258 (h) Section 59-12-402.1;

259 (i) Section 59-12-703;

260 (j) Section 59-12-802;

261 (k) Section 59-12-804;

262 (l) Section 59-12-1102;

263 (m) Section 59-12-1302;

264 (n) Section 59-12-1402;

265 (o) Section 59-12-1802;

266 (p) Section 59-12-2003;

267 (q) Section 59-12-2103;

268 (r) Section 59-12-2213;

269 (s) Section 59-12-2214;

270 (t) Section 59-12-2215;

271 (u) Section 59-12-2216;

272 (v) Section 59-12-2217;

273 (w) Section 59-12-2218;

- 274 (x) Section 59-12-2219; or
- 275 (y) Section 59-12-2220.
- 276 (7) "Aircraft" means the same as that term is defined in Section 72-10-102.
- 277 (8) "Aircraft maintenance, repair, and overhaul provider" means a business entity:
- 278 (a) except for:
- 279 (i) an airline as defined in Section 59-2-102; or
- 280 (ii) an affiliated group, as defined in Section 59-7-101, except that "affiliated group"
- 281 includes a corporation that is qualified to do business but is not otherwise doing business in the
- 282 state, of an airline; and
- 283 (b) that has the workers, expertise, and facilities to perform the following, regardless of
- 284 whether the business entity performs the following in this state:
- 285 (i) check, diagnose, overhaul, and repair:
- 286 (A) an onboard system of a fixed wing turbine powered aircraft; and
- 287 (B) the parts that comprise an onboard system of a fixed wing turbine powered aircraft;
- 288 (ii) assemble, change, dismantle, inspect, and test a fixed wing turbine powered aircraft
- 289 engine;
- 290 (iii) perform at least the following maintenance on a fixed wing turbine powered
- 291 aircraft:
- 292 (A) an inspection;
- 293 (B) a repair, including a structural repair or modification;
- 294 (C) changing landing gear; and
- 295 (D) addressing issues related to an aging fixed wing turbine powered aircraft;
- 296 (iv) completely remove the existing paint of a fixed wing turbine powered aircraft and
- 297 completely apply new paint to the fixed wing turbine powered aircraft; and
- 298 (v) refurbish the interior of a fixed wing turbine powered aircraft in a manner that
- 299 results in a change in the fixed wing turbine powered aircraft's certification requirements by the
- 300 authority that certifies the fixed wing turbine powered aircraft.
- 301 (9) "Alcoholic beverage" means a beverage that:
- 302 (a) is suitable for human consumption; and
- 303 (b) contains .5% or more alcohol by volume.
- 304 (10) "Alternative energy" means:

- 305 (a) biomass energy;
- 306 (b) geothermal energy;
- 307 (c) hydroelectric energy;
- 308 (d) solar energy;
- 309 (e) wind energy; or
- 310 (f) energy that is derived from:
 - 311 (i) coal-to-liquids;
 - 312 (ii) nuclear fuel;
 - 313 (iii) oil-impregnated diatomaceous earth;
 - 314 (iv) oil sands;
 - 315 (v) oil shale;
 - 316 (vi) petroleum coke; or
 - 317 (vii) waste heat from:
 - 318 (A) an industrial facility; or
 - 319 (B) a power station in which an electric generator is driven through a process in which
 - 320 water is heated, turns into steam, and spins a steam turbine.
- 321 (11) (a) Subject to Subsection (11)(b), "alternative energy electricity production
- 322 facility" means a facility that:
 - 323 (i) uses alternative energy to produce electricity; and
 - 324 (ii) has a production capacity of two megawatts or greater.
- 325 (b) A facility is an alternative energy electricity production facility regardless of
- 326 whether the facility is:
 - 327 (i) connected to an electric grid; or
 - 328 (ii) located on the premises of an electricity consumer.
- 329 (12) (a) "Ancillary service" means a service associated with, or incidental to, the
- 330 provision of telecommunications service.
 - 331 (b) "Ancillary service" includes:
 - 332 (i) a conference bridging service;
 - 333 (ii) a detailed communications billing service;
 - 334 (iii) directory assistance;
 - 335 (iv) a vertical service; or

336 (v) a voice mail service.

337 (13) "Area agency on aging" means the same as that term is defined in Section
338 62A-3-101.

339 (14) "Assisted amusement device" means an amusement device, skill device, or ride
340 device that is started and stopped by an individual:

341 (a) who is not the purchaser or renter of the right to use or operate the amusement
342 device, skill device, or ride device; and

343 (b) at the direction of the seller of the right to use the amusement device, skill device,
344 or ride device.

345 (15) "Assisted cleaning or washing of tangible personal property" means cleaning or
346 washing of tangible personal property if the cleaning or washing labor is primarily performed
347 by an individual:

348 (a) who is not the purchaser of the cleaning or washing of the tangible personal
349 property; and

350 (b) at the direction of the seller of the cleaning or washing of the tangible personal
351 property.

352 (16) "Authorized carrier" means:

353 (a) in the case of vehicles operated over public highways, the holder of credentials
354 indicating that the vehicle is or will be operated pursuant to both the International Registration
355 Plan and the International Fuel Tax Agreement;

356 (b) in the case of aircraft, the holder of a Federal Aviation Administration operating
357 certificate or air carrier's operating certificate; or

358 (c) in the case of locomotives, freight cars, railroad work equipment, or other rolling
359 stock, a person who uses locomotives, freight cars, railroad work equipment, or other rolling
360 stock in more than one state.

361 (17) (a) Except as provided in Subsection (17)(b), "biomass energy" means any of the
362 following that is used as the primary source of energy to produce fuel or electricity:

363 (i) material from a plant or tree; or

364 (ii) other organic matter that is available on a renewable basis, including:

365 (A) slash and brush from forests and woodlands;

366 (B) animal waste;

- 367 (C) waste vegetable oil;
- 368 (D) methane or synthetic gas produced at a landfill, as a byproduct of the treatment of
- 369 wastewater residuals, or through the conversion of a waste material through a nonincineration,
- 370 thermal conversion process;
- 371 (E) aquatic plants; and
- 372 (F) agricultural products.
- 373 (b) "Biomass energy" does not include:
- 374 (i) black liquor; or
- 375 (ii) treated woods.
- 376 (18) (a) "Bundled transaction" means the sale of two or more items of tangible personal
- 377 property, products, or services if the tangible personal property, products, or services are:
- 378 (i) distinct and identifiable; and
- 379 (ii) sold for one nonitemized price.
- 380 (b) "Bundled transaction" does not include:
- 381 (i) the sale of tangible personal property if the sales price varies, or is negotiable, on
- 382 the basis of the selection by the purchaser of the items of tangible personal property included in
- 383 the transaction;
- 384 (ii) the sale of real property;
- 385 (iii) the sale of services to real property;
- 386 (iv) the retail sale of tangible personal property and a service if:
- 387 (A) the tangible personal property:
- 388 (I) is essential to the use of the service; and
- 389 (II) is provided exclusively in connection with the service; and
- 390 (B) the service is the true object of the transaction;
- 391 (v) the retail sale of two services if:
- 392 (A) one service is provided that is essential to the use or receipt of a second service;
- 393 (B) the first service is provided exclusively in connection with the second service; and
- 394 (C) the second service is the true object of the transaction;
- 395 (vi) a transaction that includes tangible personal property or a product subject to
- 396 taxation under this chapter and tangible personal property or a product that is not subject to
- 397 taxation under this chapter if the:

398 (A) seller's purchase price of the tangible personal property or product subject to
399 taxation under this chapter is de minimis; or

400 (B) seller's sales price of the tangible personal property or product subject to taxation
401 under this chapter is de minimis; and

402 (vii) the retail sale of tangible personal property that is not subject to taxation under
403 this chapter and tangible personal property that is subject to taxation under this chapter if:

404 (A) that retail sale includes:

405 (I) food and food ingredients;

406 (II) a drug;

407 (III) durable medical equipment;

408 (IV) mobility enhancing equipment;

409 (V) an over-the-counter drug;

410 (VI) a prosthetic device; or

411 (VII) a medical supply; and

412 (B) subject to Subsection (18)(f):

413 (I) the seller's purchase price of the tangible personal property subject to taxation under
414 this chapter is 50% or less of the seller's total purchase price of that retail sale; or

415 (II) the seller's sales price of the tangible personal property subject to taxation under
416 this chapter is 50% or less of the seller's total sales price of that retail sale.

417 (c) (i) For purposes of Subsection (18)(a)(i), tangible personal property, a product, or a
418 service that is distinct and identifiable does not include:

419 (A) packaging that:

420 (I) accompanies the sale of the tangible personal property, product, or service; and

421 (II) is incidental or immaterial to the sale of the tangible personal property, product, or
422 service;

423 (B) tangible personal property, a product, or a service provided free of charge with the
424 purchase of another item of tangible personal property, a product, or a service; or

425 (C) an item of tangible personal property, a product, or a service included in the
426 definition of "purchase price."

427 (ii) For purposes of Subsection (18)(c)(i)(B), an item of tangible personal property, a
428 product, or a service is provided free of charge with the purchase of another item of tangible

429 personal property, a product, or a service if the sales price of the purchased item of tangible
430 personal property, product, or service does not vary depending on the inclusion of the tangible
431 personal property, product, or service provided free of charge.

432 (d) (i) For purposes of Subsection (18)(a)(ii), property sold for one nonitemized price
433 does not include a price that is separately identified by tangible personal property, product, or
434 service on the following, regardless of whether the following is in paper format or electronic
435 format:

436 (A) a binding sales document; or

437 (B) another supporting sales-related document that is available to a purchaser.

438 (ii) For purposes of Subsection (18)(d)(i), a binding sales document or another
439 supporting sales-related document that is available to a purchaser includes:

440 (A) a bill of sale;

441 (B) a contract;

442 (C) an invoice;

443 (D) a lease agreement;

444 (E) a periodic notice of rates and services;

445 (F) a price list;

446 (G) a rate card;

447 (H) a receipt; or

448 (I) a service agreement.

449 (e) (i) For purposes of Subsection (18)(b)(vi), the sales price of tangible personal
450 property or a product subject to taxation under this chapter is de minimis if:

451 (A) the seller's purchase price of the tangible personal property or product is 10% or
452 less of the seller's total purchase price of the bundled transaction; or

453 (B) the seller's sales price of the tangible personal property or product is 10% or less of
454 the seller's total sales price of the bundled transaction.

455 (ii) For purposes of Subsection (18)(b)(vi), a seller:

456 (A) shall use the seller's purchase price or the seller's sales price to determine if the
457 purchase price or sales price of the tangible personal property or product subject to taxation
458 under this chapter is de minimis; and

459 (B) may not use a combination of the seller's purchase price and the seller's sales price

460 to determine if the purchase price or sales price of the tangible personal property or product
461 subject to taxation under this chapter is de minimis.

462 (iii) For purposes of Subsection (18)(b)(vi), a seller shall use the full term of a service
463 contract to determine if the sales price of tangible personal property or a product is de minimis.

464 (f) For purposes of Subsection (18)(b)(vii)(B), a seller may not use a combination of
465 the seller's purchase price and the seller's sales price to determine if tangible personal property
466 subject to taxation under this chapter is 50% or less of the seller's total purchase price or sales
467 price of that retail sale.

468 (19) "Certified automated system" means software certified by the governing board of
469 the agreement that:

470 (a) calculates the agreement sales and use tax imposed within a local taxing
471 jurisdiction:

472 (i) on a transaction; and

473 (ii) in the states that are members of the agreement;

474 (b) determines the amount of agreement sales and use tax to remit to a state that is a
475 member of the agreement; and

476 (c) maintains a record of the transaction described in Subsection (19)(a)(i).

477 (20) "Certified service provider" means an agent certified:

478 (a) by the governing board of the agreement; and

479 (b) to perform all of a seller's sales and use tax functions for an agreement sales and
480 use tax other than the seller's obligation under Section 59-12-124 to remit a tax on the seller's
481 own purchases.

482 (21) (a) Subject to Subsection (21)(b), "clothing" means all human wearing apparel
483 suitable for general use.

484 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
485 commission shall make rules:

486 (i) listing the items that constitute "clothing"; and

487 (ii) that are consistent with the list of items that constitute "clothing" under the
488 agreement.

489 (22) "Coal-to-liquid" means the process of converting coal into a liquid synthetic fuel.

490 (23) "Commercial use" means the use of gas, electricity, heat, coal, fuel oil, or other

491 fuels that does not constitute industrial use under Subsection (56) or residential use under
492 Subsection ~~[(106)]~~ (107).

493 (24) (a) "Common carrier" means a person engaged in or transacting the business of
494 transporting passengers, freight, merchandise, or other property for hire within this state.

495 (b) (i) "Common carrier" does not include a person who, at the time the person is
496 traveling to or from that person's place of employment, transports a passenger to or from the
497 passenger's place of employment.

498 (ii) For purposes of Subsection (24)(b)(i), in accordance with Title 63G, Chapter 3,
499 Utah Administrative Rulemaking Act, the commission may make rules defining what
500 constitutes a person's place of employment.

501 (c) "Common carrier" does not include a person that provides transportation network
502 services, as defined in Section [13-51-102](#).

503 (25) "Component part" includes:

504 (a) poultry, dairy, and other livestock feed, and their components;

505 (b) baling ties and twine used in the baling of hay and straw;

506 (c) fuel used for providing temperature control of orchards and commercial
507 greenhouses doing a majority of their business in wholesale sales, and for providing power for
508 off-highway type farm machinery; and

509 (d) feed, seeds, and seedlings.

510 (26) "Computer" means an electronic device that accepts information:

511 (a) (i) in digital form; or

512 (ii) in a form similar to digital form; and

513 (b) manipulates that information for a result based on a sequence of instructions.

514 (27) "Computer software" means a set of coded instructions designed to cause:

515 (a) a computer to perform a task; or

516 (b) automatic data processing equipment to perform a task.

517 (28) "Computer software maintenance contract" means a contract that obligates a seller
518 of computer software to provide a customer with:

519 (a) future updates or upgrades to computer software;

520 (b) support services with respect to computer software; or

521 (c) a combination of Subsections (28)(a) and (b).

522 (29) (a) "Conference bridging service" means an ancillary service that links two or
523 more participants of an audio conference call or video conference call.

524 (b) "Conference bridging service" may include providing a telephone number as part of
525 the ancillary service described in Subsection (29)(a).

526 (c) "Conference bridging service" does not include a telecommunications service used
527 to reach the ancillary service described in Subsection (29)(a).

528 (30) "Construction materials" means any tangible personal property that will be
529 converted into real property.

530 (31) "Delivered electronically" means delivered to a purchaser by means other than
531 tangible storage media.

532 (32) (a) "Delivery charge" means a charge:

533 (i) by a seller of:

534 (A) tangible personal property;

535 (B) a product transferred electronically; or

536 (C) services; and

537 (ii) for preparation and delivery of the tangible personal property, product transferred
538 electronically, or services described in Subsection (32)(a)(i) to a location designated by the
539 purchaser.

540 (b) "Delivery charge" includes a charge for the following:

541 (i) transportation;

542 (ii) shipping;

543 (iii) postage;

544 (iv) handling;

545 (v) crating; or

546 (vi) packing.

547 (33) "Detailed telecommunications billing service" means an ancillary service of
548 separately stating information pertaining to individual calls on a customer's billing statement.

549 (34) "Dietary supplement" means a product, other than tobacco, that:

550 (a) is intended to supplement the diet;

551 (b) contains one or more of the following dietary ingredients:

552 (i) a vitamin;

- 553 (ii) a mineral;
- 554 (iii) an herb or other botanical;
- 555 (iv) an amino acid;
- 556 (v) a dietary substance for use by humans to supplement the diet by increasing the total
- 557 dietary intake; or
- 558 (vi) a concentrate, metabolite, constituent, extract, or combination of any ingredient
- 559 described in Subsections (34)(b)(i) through (v);

560 (c) (i) except as provided in Subsection (34)(c)(ii), is intended for ingestion in:

- 561 (A) tablet form;
- 562 (B) capsule form;
- 563 (C) powder form;
- 564 (D) softgel form;
- 565 (E) gelcap form; or
- 566 (F) liquid form; or

567 (ii) if the product is not intended for ingestion in a form described in Subsections

568 (34)(c)(i)(A) through (F), is not represented:

- 569 (A) as conventional food; and
- 570 (B) for use as a sole item of:
 - 571 (I) a meal; or
 - 572 (II) the diet; and

573 (d) is required to be labeled as a dietary supplement:

- 574 (i) identifiable by the "Supplemental Facts" box found on the label; and
- 575 (ii) as required by 21 C.F.R. Sec. 101.36.

576 [~~35~~] "~~Digital audio-visual work~~" means a series of related images which, when shown

577 ~~in succession, imparts an impression of motion, together with accompanying sounds, if any.~~]

578 [~~36~~] (35) (a) "Digital audio work" means a work that results from the fixation of a

579 series of musical, spoken, or other sounds.

580 (36) "Digital audio-visual work" means a series of related images which, when shown

581 in succession, imparts an impression of motion, together with accompanying sounds, if any.

582 (b) "Digital audio work" includes a ringtone.

583 (37) "Digital book" means a work that is generally recognized in the ordinary and usual

584 sense as a book.

585 (38) (a) "Direct mail" means printed material delivered or distributed by United States
586 mail or other delivery service:

587 (i) to:

588 (A) a mass audience; or

589 (B) addressees on a mailing list provided:

590 (I) by a purchaser of the mailing list; or

591 (II) at the discretion of the purchaser of the mailing list; and

592 (ii) if the cost of the printed material is not billed directly to the recipients.

593 (b) "Direct mail" includes tangible personal property supplied directly or indirectly by a
594 purchaser to a seller of direct mail for inclusion in a package containing the printed material.

595 (c) "Direct mail" does not include multiple items of printed material delivered to a
596 single address.

597 (39) "Directory assistance" means an ancillary service of providing:

598 (a) address information; or

599 (b) telephone number information.

600 (40) (a) "Disposable home medical equipment or supplies" means medical equipment
601 or supplies that:

602 (i) cannot withstand repeated use; and

603 (ii) are purchased by, for, or on behalf of a person other than:

604 (A) a health care facility as defined in Section [26-21-2](#);

605 (B) a health care provider as defined in Section [78B-3-403](#);

606 (C) an office of a health care provider described in Subsection (40)(a)(ii)(B); or

607 (D) a person similar to a person described in Subsections (40)(a)(ii)(A) through (C).

608 (b) "Disposable home medical equipment or supplies" does not include:

609 (i) a drug;

610 (ii) durable medical equipment;

611 (iii) a hearing aid;

612 (iv) a hearing aid accessory;

613 (v) mobility enhancing equipment; or

614 (vi) tangible personal property used to correct impaired vision, including:

- 615 (A) eyeglasses; or
- 616 (B) contact lenses.
- 617 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 618 commission may by rule define what constitutes medical equipment or supplies.
- 619 (41) "Drilling equipment manufacturer" means a facility:
- 620 (a) located in the state;
- 621 (b) with respect to which 51% or more of the manufacturing activities of the facility
- 622 consist of manufacturing component parts of drilling equipment;
- 623 (c) that uses pressure of 800,000 or more pounds per square inch as part of the
- 624 manufacturing process; and
- 625 (d) that uses a temperature of 2,000 or more degrees Fahrenheit as part of the
- 626 manufacturing process.
- 627 (42) (a) "Drug" means a compound, substance, or preparation, or a component of a
- 628 compound, substance, or preparation that is:
- 629 (i) recognized in:
- 630 (A) the official United States Pharmacopoeia;
- 631 (B) the official Homeopathic Pharmacopoeia of the United States;
- 632 (C) the official National Formulary; or
- 633 (D) a supplement to a publication listed in Subsections (42)(a)(i)(A) through (C);
- 634 (ii) intended for use in the:
- 635 (A) diagnosis of disease;
- 636 (B) cure of disease;
- 637 (C) mitigation of disease;
- 638 (D) treatment of disease; or
- 639 (E) prevention of disease; or
- 640 (iii) intended to affect:
- 641 (A) the structure of the body; or
- 642 (B) any function of the body.
- 643 (b) "Drug" does not include:
- 644 (i) food and food ingredients;
- 645 (ii) a dietary supplement;

- 646 (iii) an alcoholic beverage; or
- 647 (iv) a prosthetic device.
- 648 (43) (a) Except as provided in Subsection (43)(c), "durable medical equipment" means
- 649 equipment that:
 - 650 (i) can withstand repeated use;
 - 651 (ii) is primarily and customarily used to serve a medical purpose;
 - 652 (iii) generally is not useful to a person in the absence of illness or injury; and
 - 653 (iv) is not worn in or on the body.
- 654 (b) "Durable medical equipment" includes parts used in the repair or replacement of the
- 655 equipment described in Subsection (43)(a).
- 656 (c) "Durable medical equipment" does not include mobility enhancing equipment.
- 657 (44) "Electronic" means:
 - 658 (a) relating to technology; and
 - 659 (b) having:
 - 660 (i) electrical capabilities;
 - 661 (ii) digital capabilities;
 - 662 (iii) magnetic capabilities;
 - 663 (iv) wireless capabilities;
 - 664 (v) optical capabilities;
 - 665 (vi) electromagnetic capabilities; or
 - 666 (vii) capabilities similar to Subsections (44)(b)(i) through (vi).
- 667 (45) "Electronic financial payment service" means an establishment:
 - 668 (a) within NAICS Code 522320, Financial Transactions Processing, Reserve, and
 - 669 Clearinghouse Activities, of the 2012 North American Industry Classification System of the
 - 670 federal Executive Office of the President, Office of Management and Budget; and
 - 671 (b) that performs electronic financial payment services.
- 672 (46) "Employee" means the same as that term is defined in Section [59-10-401](#).
- 673 (47) "Fixed guideway" means a public transit facility that uses and occupies:
 - 674 (a) rail for the use of public transit; or
 - 675 (b) a separate right-of-way for the use of public transit.
- 676 (48) "Fixed wing turbine powered aircraft" means an aircraft that:

- 677 (a) is powered by turbine engines;
- 678 (b) operates on jet fuel; and
- 679 (c) has wings that are permanently attached to the fuselage of the aircraft.
- 680 (49) "Fixed wireless service" means a telecommunications service that provides radio
- 681 communication between fixed points.
- 682 (50) (a) "Food and food ingredients" means substances:
- 683 (i) regardless of whether the substances are in:
- 684 (A) liquid form;
- 685 (B) concentrated form;
- 686 (C) solid form;
- 687 (D) frozen form;
- 688 (E) dried form; or
- 689 (F) dehydrated form; and
- 690 (ii) that are:
- 691 (A) sold for:
- 692 (I) ingestion by humans; or
- 693 (II) chewing by humans; and
- 694 (B) consumed for the substance's:
- 695 (I) taste; or
- 696 (II) nutritional value.
- 697 (b) "Food and food ingredients" includes an item described in Subsection (91)(b)(iii).
- 698 (c) "Food and food ingredients" does not include:
- 699 (i) an alcoholic beverage;
- 700 (ii) tobacco; or
- 701 (iii) prepared food.
- 702 (51) (a) "Fundraising sales" means sales:
- 703 (i) (A) made by a school; or
- 704 (B) made by a school student;
- 705 (ii) that are for the purpose of raising funds for the school to purchase equipment,
- 706 materials, or provide transportation; and
- 707 (iii) that are part of an officially sanctioned school activity.

708 (b) For purposes of Subsection (51)(a)(iii), "officially sanctioned school activity"
709 means a school activity:

710 (i) that is conducted in accordance with a formal policy adopted by the school or school
711 district governing the authorization and supervision of fundraising activities;

712 (ii) that does not directly or indirectly compensate an individual teacher or other
713 educational personnel by direct payment, commissions, or payment in kind; and

714 (iii) the net or gross revenues from which are deposited in a dedicated account
715 controlled by the school or school district.

716 (52) "Geothermal energy" means energy contained in heat that continuously flows
717 outward from the earth that is used as the sole source of energy to produce electricity.

718 (53) "Governing board of the agreement" means the governing board of the agreement
719 that is:

720 (a) authorized to administer the agreement; and

721 (b) established in accordance with the agreement.

722 (54) (a) For purposes of Subsection 59-12-104(41), "governmental entity" means:

723 (i) the executive branch of the state, including all departments, institutions, boards,
724 divisions, bureaus, offices, commissions, and committees;

725 (ii) the judicial branch of the state, including the courts, the Judicial Council, the
726 Administrative Office of the Courts, and similar administrative units in the judicial branch;

727 (iii) the legislative branch of the state, including the House of Representatives, the
728 Senate, the Legislative Printing Office, the Office of Legislative Research and General
729 Counsel, the Office of the Legislative Auditor General, and the Office of the Legislative Fiscal
730 Analyst;

731 (iv) the National Guard;

732 (v) an independent entity as defined in Section 63E-1-102; or

733 (vi) a political subdivision as defined in Section 17B-1-102.

734 (b) "Governmental entity" does not include the state systems of public and higher
735 education, including:

736 (i) a school;

737 (ii) the State Board of Education;

738 (iii) the State Board of Regents; or

- 739 (iv) an institution of higher education described in Section [53B-1-102](#).
- 740 (55) "Hydroelectric energy" means water used as the sole source of energy to produce
741 electricity.
- 742 (56) "Industrial use" means the use of natural gas, electricity, heat, coal, fuel oil, or
743 other fuels:
- 744 (a) in mining or extraction of minerals;
- 745 (b) in agricultural operations to produce an agricultural product up to the time of
746 harvest or placing the agricultural product into a storage facility, including:
- 747 (i) commercial greenhouses;
- 748 (ii) irrigation pumps;
- 749 (iii) farm machinery;
- 750 (iv) implements of husbandry as defined in Section [41-1a-102](#) that are not registered
751 under Title 41, Chapter 1a, Part 2, Registration; and
- 752 (v) other farming activities;
- 753 (c) in manufacturing tangible personal property at an establishment described in:
- 754 (i) SIC Codes 2000 to 3999 of the 1987 Standard Industrial Classification Manual of
755 the federal Executive Office of the President, Office of Management and Budget; or
- 756 (ii) a NAICS code within NAICS Sector 31-33, Manufacturing, of the 2017 North
757 American Industry Classification System of the federal Executive Office of the President,
758 Office of Management and Budget;
- 759 (d) by a scrap recycler if:
- 760 (i) from a fixed location, the scrap recycler utilizes machinery or equipment to process
761 one or more of the following items into prepared grades of processed materials for use in new
762 products:
- 763 (A) iron;
- 764 (B) steel;
- 765 (C) nonferrous metal;
- 766 (D) paper;
- 767 (E) glass;
- 768 (F) plastic;
- 769 (G) textile; or

770 (H) rubber; and
771 (ii) the new products under Subsection (56)(d)(i) would otherwise be made with
772 nonrecycled materials; or
773 (e) in producing a form of energy or steam described in Subsection 54-2-1(3)(a) by a
774 cogeneration facility as defined in Section 54-2-1.
775 (57) (a) Except as provided in Subsection (57)(b), "installation charge" means a charge
776 for installing:
777 (i) tangible personal property; or
778 (ii) a product transferred electronically.
779 (b) "Installation charge" does not include a charge for:
780 (i) repairs or renovations of:
781 (A) tangible personal property; or
782 (B) a product transferred electronically; or
783 (ii) attaching tangible personal property or a product transferred electronically:
784 (A) to other tangible personal property; and
785 (B) as part of a manufacturing or fabrication process.
786 (58) "Institution of higher education" means an institution of higher education listed in
787 Section 53B-2-101.
788 (59) (a) "Lease" or "rental" means a transfer of possession or control of tangible
789 personal property or a product transferred electronically for:
790 (i) (A) a fixed term; or
791 (B) an indeterminate term; and
792 (ii) consideration.
793 (b) "Lease" or "rental" includes an agreement covering a motor vehicle and trailer if the
794 amount of consideration may be increased or decreased by reference to the amount realized
795 upon sale or disposition of the property as defined in Section 7701(h)(1), Internal Revenue
796 Code.
797 (c) "Lease" or "rental" does not include:
798 (i) a transfer of possession or control of property under a security agreement or
799 deferred payment plan that requires the transfer of title upon completion of the required
800 payments;

801 (ii) a transfer of possession or control of property under an agreement that requires the
802 transfer of title:

803 (A) upon completion of required payments; and

804 (B) if the payment of an option price does not exceed the greater of:

805 (I) \$100; or

806 (II) 1% of the total required payments; or

807 (iii) providing tangible personal property along with an operator for a fixed period of
808 time or an indeterminate period of time if the operator is necessary for equipment to perform as
809 designed.

810 (d) For purposes of Subsection (59)(c)(iii), an operator is necessary for equipment to
811 perform as designed if the operator's duties exceed the:

812 (i) set-up of tangible personal property;

813 (ii) maintenance of tangible personal property; or

814 (iii) inspection of tangible personal property.

815 (60) "Life science establishment" means an establishment in this state that is classified
816 under the following NAICS codes of the 2007 North American Industry Classification System
817 of the federal Executive Office of the President, Office of Management and Budget:

818 (a) NAICS Code 33911, Medical Equipment and Supplies Manufacturing;

819 (b) NAICS Code 334510, Electromedical and Electrotherapeutic Apparatus
820 Manufacturing; or

821 (c) NAICS Code 334517, Irradiation Apparatus Manufacturing.

822 (61) "Life science research and development facility" means a facility owned, leased,
823 or rented by a life science establishment if research and development is performed in 51% or
824 more of the total area of the facility.

825 (62) "Load and leave" means delivery to a purchaser by use of a tangible storage media
826 if the tangible storage media is not physically transferred to the purchaser.

827 (63) "Local taxing jurisdiction" means a:

828 (a) county that is authorized to impose an agreement sales and use tax;

829 (b) city that is authorized to impose an agreement sales and use tax; or

830 (c) town that is authorized to impose an agreement sales and use tax.

831 (64) "Manufactured home" means the same as that term is defined in Section

832 15A-1-302.

833 (65) "Manufacturing facility" means:

834 (a) an establishment described in:

835 (i) SIC Codes 2000 to 3999 of the 1987 Standard Industrial Classification Manual of
836 the federal Executive Office of the President, Office of Management and Budget; or

837 (ii) a NAICS code within NAICS Sector 31-33, Manufacturing, of the 2017 North
838 American Industry Classification System of the federal Executive Office of the President,
839 Office of Management and Budget;

840 (b) a scrap recycler if:

841 (i) from a fixed location, the scrap recycler utilizes machinery or equipment to process
842 one or more of the following items into prepared grades of processed materials for use in new
843 products:

844 (A) iron;

845 (B) steel;

846 (C) nonferrous metal;

847 (D) paper;

848 (E) glass;

849 (F) plastic;

850 (G) textile; or

851 (H) rubber; and

852 (ii) the new products under Subsection (65)(b)(i) would otherwise be made with
853 nonrecycled materials; or

854 (c) a cogeneration facility as defined in Section 54-2-1 if the cogeneration facility is
855 placed in service on or after May 1, 2006.

856 (66) "Member of the immediate family of the producer" means a person who is related
857 to a producer described in Subsection 59-12-104(20)(a) as a:

858 (a) child or stepchild, regardless of whether the child or stepchild is:

859 (i) an adopted child or adopted stepchild; or

860 (ii) a foster child or foster stepchild;

861 (b) grandchild or stepgrandchild;

862 (c) grandparent or stepgrandparent;

- 863 (d) nephew or stepnephew;
- 864 (e) niece or stepniece;
- 865 (f) parent or stepparent;
- 866 (g) sibling or stepsibling;
- 867 (h) spouse;
- 868 (i) person who is the spouse of a person described in Subsections (66)(a) through (g);

869 or

- 870 (j) person similar to a person described in Subsections (66)(a) through (i) as
- 871 determined by the commission by rule made in accordance with Title 63G, Chapter 3, Utah
- 872 Administrative Rulemaking Act.

873 (67) "Mobile home" means the same as that term is defined in Section [15A-1-302](#).

874 (68) "Mobile telecommunications service" means the same as that term is defined in

875 the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

876 (69) (a) "Mobile wireless service" means a telecommunications service, regardless of

877 the technology used, if:

- 878 (i) the origination point of the conveyance, routing, or transmission is not fixed;
- 879 (ii) the termination point of the conveyance, routing, or transmission is not fixed; or
- 880 (iii) the origination point described in Subsection (69)(a)(i) and the termination point
- 881 described in Subsection (69)(a)(ii) are not fixed.

882 (b) "Mobile wireless service" includes a telecommunications service that is provided

883 by a commercial mobile radio service provider.

884 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

885 commission may by rule define "commercial mobile radio service provider."

886 (70) (a) Except as provided in Subsection (70)(c), "mobility enhancing equipment"

887 means equipment that is:

- 888 (i) primarily and customarily used to provide or increase the ability to move from one
- 889 place to another;
- 890 (ii) appropriate for use in a:
 - 891 (A) home; or
 - 892 (B) motor vehicle; and
 - 893 (iii) not generally used by persons with normal mobility.

894 (b) "Mobility enhancing equipment" includes parts used in the repair or replacement of
895 the equipment described in Subsection (70)(a).

896 (c) "Mobility enhancing equipment" does not include:

897 (i) a motor vehicle;

898 (ii) equipment on a motor vehicle if that equipment is normally provided by the motor
899 vehicle manufacturer;

900 (iii) durable medical equipment; or

901 (iv) a prosthetic device.

902 (71) "Model 1 seller" means a seller registered under the agreement that has selected a
903 certified service provider as the seller's agent to perform all of the seller's sales and use tax
904 functions for agreement sales and use taxes other than the seller's obligation under Section
905 [59-12-124](#) to remit a tax on the seller's own purchases.

906 (72) "Model 2 seller" means a seller registered under the agreement that:

907 (a) except as provided in Subsection (72)(b), has selected a certified automated system
908 to perform the seller's sales tax functions for agreement sales and use taxes; and

909 (b) retains responsibility for remitting all of the sales tax:

910 (i) collected by the seller; and

911 (ii) to the appropriate local taxing jurisdiction.

912 (73) (a) Subject to Subsection (73)(b), "model 3 seller" means a seller registered under
913 the agreement that has:

914 (i) sales in at least five states that are members of the agreement;

915 (ii) total annual sales revenues of at least \$500,000,000;

916 (iii) a proprietary system that calculates the amount of tax:

917 (A) for an agreement sales and use tax; and

918 (B) due to each local taxing jurisdiction; and

919 (iv) entered into a performance agreement with the governing board of the agreement.

920 (b) For purposes of Subsection (73)(a), "model 3 seller" includes an affiliated group of
921 sellers using the same proprietary system.

922 (74) "Model 4 seller" means a seller that is registered under the agreement and is not a
923 model 1 seller, model 2 seller, or model 3 seller.

924 (75) "Modular home" means a modular unit as defined in Section [15A-1-302](#).

925 (76) "Motor vehicle" means the same as that term is defined in Section [41-1a-102](#).

926 (77) "Oil sands" means impregnated bituminous sands that:

927 (a) contain a heavy, thick form of petroleum that is released when heated, mixed with
928 other hydrocarbons, or otherwise treated;

929 (b) yield mixtures of liquid hydrocarbon; and

930 (c) require further processing other than mechanical blending before becoming finished
931 petroleum products.

932 (78) "Oil shale" means a group of fine black to dark brown shales containing kerogen
933 material that yields petroleum upon heating and distillation.

934 (79) "Optional computer software maintenance contract" means a computer software
935 maintenance contract that a customer is not obligated to purchase as a condition to the retail
936 sale of computer software.

937 (80) (a) "Other fuels" means products that burn independently to produce heat or
938 energy.

939 (b) "Other fuels" includes oxygen when it is used in the manufacturing of tangible
940 personal property.

941 (81) (a) "Paging service" means a telecommunications service that provides
942 transmission of a coded radio signal for the purpose of activating a specific pager.

943 (b) For purposes of Subsection (81)(a), the transmission of a coded radio signal
944 includes a transmission by message or sound.

945 (82) "Pawnbroker" means the same as that term is defined in Section [13-32a-102](#).

946 (83) "Pawn transaction" means the same as that term is defined in Section [13-32a-102](#).

947 (84) (a) "Permanently attached to real property" means that for tangible personal
948 property attached to real property:

949 (i) the attachment of the tangible personal property to the real property:

950 (A) is essential to the use of the tangible personal property; and

951 (B) suggests that the tangible personal property will remain attached to the real
952 property in the same place over the useful life of the tangible personal property; or

953 (ii) if the tangible personal property is detached from the real property, the detachment
954 would:

955 (A) cause substantial damage to the tangible personal property; or

956 (B) require substantial alteration or repair of the real property to which the tangible
957 personal property is attached.

958 (b) "Permanently attached to real property" includes:

959 (i) the attachment of an accessory to the tangible personal property if the accessory is:

960 (A) essential to the operation of the tangible personal property; and

961 (B) attached only to facilitate the operation of the tangible personal property;

962 (ii) a temporary detachment of tangible personal property from real property for a

963 repair or renovation if the repair or renovation is performed where the tangible personal

964 property and real property are located; or

965 (iii) property attached to oil, gas, or water pipelines, except for the property listed in

966 Subsection (84)(c)(iii) or (iv).

967 (c) "Permanently attached to real property" does not include:

968 (i) the attachment of portable or movable tangible personal property to real property if
969 that portable or movable tangible personal property is attached to real property only for:

970 (A) convenience;

971 (B) stability; or

972 (C) for an obvious temporary purpose;

973 (ii) the detachment of tangible personal property from real property except for the

974 detachment described in Subsection (84)(b)(ii);

975 (iii) an attachment of the following tangible personal property to real property if the

976 attachment to real property is only through a line that supplies water, electricity, gas,

977 telecommunications, cable, or supplies a similar item as determined by the commission by rule

978 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

979 (A) a computer;

980 (B) a telephone;

981 (C) a television; or

982 (D) tangible personal property similar to Subsections (84)(c)(iii)(A) through (C) as

983 determined by the commission by rule made in accordance with Title 63G, Chapter 3, Utah

984 Administrative Rulemaking Act; or

985 (iv) an item listed in Subsection (125)(c).

986 (85) "Person" includes any individual, firm, partnership, joint venture, association,

987 corporation, estate, trust, business trust, receiver, syndicate, this state, any county, city,
988 municipality, district, or other local governmental entity of the state, or any group or
989 combination acting as a unit.

990 (86) "Place of primary use":

991 (a) for telecommunications service other than mobile telecommunications service,
992 means the street address representative of where the customer's use of the telecommunications
993 service primarily occurs, which shall be:

994 (i) the residential street address of the customer; or

995 (ii) the primary business street address of the customer; or

996 (b) for mobile telecommunications service, means the same as that term is defined in
997 the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

998 (87) (a) "Postpaid calling service" means a telecommunications service a person
999 obtains by making a payment on a call-by-call basis:

1000 (i) through the use of a:

1001 (A) bank card;

1002 (B) credit card;

1003 (C) debit card; or

1004 (D) travel card; or

1005 (ii) by a charge made to a telephone number that is not associated with the origination
1006 or termination of the telecommunications service.

1007 (b) "Postpaid calling service" includes a service, except for a prepaid wireless calling
1008 service, that would be a prepaid wireless calling service if the service were exclusively a
1009 telecommunications service.

1010 (88) "Postproduction" means an activity related to the finishing or duplication of a
1011 medium described in Subsection [59-12-104\(54\)\(a\)](#).

1012 (89) "Prepaid calling service" means a telecommunications service:

1013 (a) that allows a purchaser access to telecommunications service that is exclusively
1014 telecommunications service;

1015 (b) that:

1016 (i) is paid for in advance; and

1017 (ii) enables the origination of a call using an:

- 1018 (A) access number; or
- 1019 (B) authorization code;
- 1020 (c) that is dialed:
- 1021 (i) manually; or
- 1022 (ii) electronically; and
- 1023 (d) sold in predetermined units or dollars that decline:
- 1024 (i) by a known amount; and
- 1025 (ii) with use.
- 1026 (90) "Prepaid wireless calling service" means a telecommunications service:
- 1027 (a) that provides the right to utilize:
- 1028 (i) mobile wireless service; and
- 1029 (ii) other service that is not a telecommunications service, including:
- 1030 (A) the download of a product transferred electronically;
- 1031 (B) a content service; or
- 1032 (C) an ancillary service;
- 1033 (b) that:
- 1034 (i) is paid for in advance; and
- 1035 (ii) enables the origination of a call using an:
- 1036 (A) access number; or
- 1037 (B) authorization code;
- 1038 (c) that is dialed:
- 1039 (i) manually; or
- 1040 (ii) electronically; and
- 1041 (d) sold in predetermined units or dollars that decline:
- 1042 (i) by a known amount; and
- 1043 (ii) with use.
- 1044 (91) (a) "Prepared food" means:
- 1045 (i) food:
- 1046 (A) sold in a heated state; or
- 1047 (B) heated by a seller;
- 1048 (ii) two or more food ingredients mixed or combined by the seller for sale as a single

1049 item; or
1050 (iii) except as provided in Subsection (91)(c), food sold with an eating utensil provided
1051 by the seller, including a:
1052 (A) plate;
1053 (B) knife;
1054 (C) fork;
1055 (D) spoon;
1056 (E) glass;
1057 (F) cup;
1058 (G) napkin; or
1059 (H) straw.
1060 (b) "Prepared food" does not include:
1061 (i) food that a seller only:
1062 (A) cuts;
1063 (B) repackages; or
1064 (C) pasteurizes; or
1065 (ii) (A) the following:
1066 (I) raw egg;
1067 (II) raw fish;
1068 (III) raw meat;
1069 (IV) raw poultry; or
1070 (V) a food containing an item described in Subsections (91)(b)(ii)(A)(I) through (IV);
1071 and
1072 (B) if the Food and Drug Administration recommends in Chapter 3, Part 401.11 of the
1073 Food and Drug Administration's Food Code that a consumer cook the items described in
1074 Subsection (91)(b)(ii)(A) to prevent food borne illness; or
1075 (iii) the following if sold without eating utensils provided by the seller:
1076 (A) food and food ingredients sold by a seller if the seller's proper primary
1077 classification under the 2002 North American Industry Classification System of the federal
1078 Executive Office of the President, Office of Management and Budget, is manufacturing in
1079 Sector 311, Food Manufacturing, except for Subsector 3118, Bakeries and Tortilla

- 1080 Manufacturing;
- 1081 (B) food and food ingredients sold in an unheated state:
- 1082 (I) by weight or volume; and
- 1083 (II) as a single item; or
- 1084 (C) a bakery item, including:
- 1085 (I) a bagel;
- 1086 (II) a bar;
- 1087 (III) a biscuit;
- 1088 (IV) bread;
- 1089 (V) a bun;
- 1090 (VI) a cake;
- 1091 (VII) a cookie;
- 1092 (VIII) a croissant;
- 1093 (IX) a danish;
- 1094 (X) a donut;
- 1095 (XI) a muffin;
- 1096 (XII) a pastry;
- 1097 (XIII) a pie;
- 1098 (XIV) a roll;
- 1099 (XV) a tart;
- 1100 (XVI) a torte; or
- 1101 (XVII) a tortilla.
- 1102 (c) An eating utensil provided by the seller does not include the following used to
- 1103 transport the food:
- 1104 (i) a container; or
- 1105 (ii) packaging.
- 1106 (92) "Prescription" means an order, formula, or recipe that is issued:
- 1107 (a) (i) orally;
- 1108 (ii) in writing;
- 1109 (iii) electronically; or
- 1110 (iv) by any other manner of transmission; and

- 1111 (b) by a licensed practitioner authorized by the laws of a state.
- 1112 (93) (a) Except as provided in Subsection (93)(b)(ii) or (iii), "prewritten computer
- 1113 software" means computer software that is not designed and developed:
- 1114 (i) by the author or other creator of the computer software; and
- 1115 (ii) to the specifications of a specific purchaser.
- 1116 (b) "Prewritten computer software" includes:
- 1117 (i) a prewritten upgrade to computer software if the prewritten upgrade to the computer
- 1118 software is not designed and developed:
- 1119 (A) by the author or other creator of the computer software; and
- 1120 (B) to the specifications of a specific purchaser;
- 1121 (ii) computer software designed and developed by the author or other creator of the
- 1122 computer software to the specifications of a specific purchaser if the computer software is sold
- 1123 to a person other than the purchaser; or
- 1124 (iii) except as provided in Subsection (93)(c), prewritten computer software or a
- 1125 prewritten portion of prewritten computer software:
- 1126 (A) that is modified or enhanced to any degree; and
- 1127 (B) if the modification or enhancement described in Subsection (93)(b)(iii)(A) is
- 1128 designed and developed to the specifications of a specific purchaser.
- 1129 (c) "Prewritten computer software" does not include a modification or enhancement
- 1130 described in Subsection (93)(b)(iii) if the charges for the modification or enhancement are:
- 1131 (i) reasonable; and
- 1132 (ii) subject to Subsections 59-12-103(2)(e)(ii) and (2)(f)(i), separately stated on the
- 1133 invoice or other statement of price provided to the purchaser at the time of sale or later, as
- 1134 demonstrated by:
- 1135 (A) the books and records the seller keeps at the time of the transaction in the regular
- 1136 course of business, including books and records the seller keeps at the time of the transaction in
- 1137 the regular course of business for nontax purposes;
- 1138 (B) a preponderance of the facts and circumstances at the time of the transaction; and
- 1139 (C) the understanding of all of the parties to the transaction.
- 1140 (94) (a) "Private communications service" means a telecommunications service:
- 1141 (i) that entitles a customer to exclusive or priority use of one or more communications

1142 channels between or among termination points; and

1143 (ii) regardless of the manner in which the one or more communications channels are
1144 connected.

1145 (b) "Private communications service" includes the following provided in connection
1146 with the use of one or more communications channels:

1147 (i) an extension line;

1148 (ii) a station;

1149 (iii) switching capacity; or

1150 (iv) another associated service that is provided in connection with the use of one or
1151 more communications channels as defined in Section 59-12-215.

1152 (95) (a) Except as provided in Subsection (95)(b), "product transferred electronically"
1153 means a product transferred electronically that would be subject to a tax under this chapter if
1154 that product was transferred in a manner other than electronically.

1155 (b) "Product transferred electronically" does not include:

1156 (i) an ancillary service;

1157 (ii) computer software; or

1158 (iii) a telecommunications service.

1159 (96) (a) "Prosthetic device" means a device that is worn on or in the body to:

1160 (i) artificially replace a missing portion of the body;

1161 (ii) prevent or correct a physical deformity or physical malfunction; or

1162 (iii) support a weak or deformed portion of the body.

1163 (b) "Prosthetic device" includes:

1164 (i) parts used in the repairs or renovation of a prosthetic device;

1165 (ii) replacement parts for a prosthetic device;

1166 (iii) a dental prosthesis; or

1167 (iv) a hearing aid.

1168 (c) "Prosthetic device" does not include:

1169 (i) corrective eyeglasses; or

1170 (ii) contact lenses.

1171 (97) (a) "Protective equipment" means an item:

1172 (i) for human wear; and

- 1173 (ii) that is:
- 1174 (A) designed as protection:
- 1175 (I) to the wearer against injury or disease; or
- 1176 (II) against damage or injury of other persons or property; and
- 1177 (B) not suitable for general use.
- 1178 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1179 commission shall make rules:
- 1180 (i) listing the items that constitute "protective equipment"; and
- 1181 (ii) that are consistent with the list of items that constitute "protective equipment"
- 1182 under the agreement.
- 1183 (98) (a) For purposes of Subsection 59-12-104(41), "publication" means any written or
- 1184 printed matter, other than a photocopy:
- 1185 (i) regardless of:
- 1186 (A) characteristics;
- 1187 (B) copyright;
- 1188 (C) form;
- 1189 (D) format;
- 1190 (E) method of reproduction; or
- 1191 (F) source; and
- 1192 (ii) made available in printed or electronic format.
- 1193 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1194 commission may by rule define the term "photocopy."
- 1195 (99) (a) "Purchase price" and "sales price" mean the total amount of consideration:
- 1196 (i) valued in money; and
- 1197 (ii) for which tangible personal property, a product transferred electronically, or
- 1198 services are:
- 1199 (A) sold;
- 1200 (B) leased; or
- 1201 (C) rented.
- 1202 (b) "Purchase price" and "sales price" include:
- 1203 (i) the seller's cost of the tangible personal property, a product transferred

1204 electronically, or services sold;

1205 (ii) expenses of the seller, including:

1206 (A) the cost of materials used;

1207 (B) a labor cost;

1208 (C) a service cost;

1209 (D) interest;

1210 (E) a loss;

1211 (F) the cost of transportation to the seller; or

1212 (G) a tax imposed on the seller;

1213 (iii) a charge by the seller for any service necessary to complete the sale; or

1214 (iv) consideration a seller receives from a person other than the purchaser if:

1215 (A) (I) the seller actually receives consideration from a person other than the purchaser;

1216 and

1217 (II) the consideration described in Subsection (99)(b)(iv)(A)(I) is directly related to a

1218 price reduction or discount on the sale;

1219 (B) the seller has an obligation to pass the price reduction or discount through to the

1220 purchaser;

1221 (C) the amount of the consideration attributable to the sale is fixed and determinable by

1222 the seller at the time of the sale to the purchaser; and

1223 (D) (I) (Aa) the purchaser presents a certificate, coupon, or other documentation to the

1224 seller to claim a price reduction or discount; and

1225 (Bb) a person other than the seller authorizes, distributes, or grants the certificate,

1226 coupon, or other documentation with the understanding that the person other than the seller

1227 will reimburse any seller to whom the certificate, coupon, or other documentation is presented;

1228 (II) the purchaser identifies that purchaser to the seller as a member of a group or

1229 organization allowed a price reduction or discount, except that a preferred customer card that is

1230 available to any patron of a seller does not constitute membership in a group or organization

1231 allowed a price reduction or discount; or

1232 (III) the price reduction or discount is identified as a third party price reduction or

1233 discount on the:

1234 (Aa) invoice the purchaser receives; or

- 1235 (Bb) certificate, coupon, or other documentation the purchaser presents.
- 1236 (c) "Purchase price" and "sales price" do not include:
- 1237 (i) a discount:
- 1238 (A) in a form including:
- 1239 (I) cash;
- 1240 (II) term; or
- 1241 (III) coupon;
- 1242 (B) that is allowed by a seller;
- 1243 (C) taken by a purchaser on a sale; and
- 1244 (D) that is not reimbursed by a third party; or
- 1245 (ii) subject to Subsections 59-12-103(2)(e)(ii) and (2)(f)(i), the following if separately
- 1246 stated on an invoice, bill of sale, or similar document provided to the purchaser at the time of
- 1247 sale or later, as demonstrated by the books and records the seller keeps at the time of the
- 1248 transaction in the regular course of business, including books and records the seller keeps at the
- 1249 time of the transaction in the regular course of business for nontax purposes, by a
- 1250 preponderance of the facts and circumstances at the time of the transaction, and by the
- 1251 understanding of all of the parties to the transaction:
- 1252 (A) the following from credit extended on the sale of tangible personal property or
- 1253 services:
- 1254 (I) a carrying charge;
- 1255 (II) a financing charge; or
- 1256 (III) an interest charge;
- 1257 (B) a delivery charge;
- 1258 (C) an installation charge;
- 1259 (D) a manufacturer rebate on a motor vehicle; or
- 1260 (E) a tax or fee legally imposed directly on the consumer.
- 1261 (100) "Purchaser" means a person to whom:
- 1262 (a) a sale of tangible personal property is made;
- 1263 (b) a product is transferred electronically; or
- 1264 (c) a service is furnished.
- 1265 (101) "Qualifying enterprise data center" means an establishment that will:

1266 (a) own and operate a data center facility that will house a group of networked server
1267 computers in one physical location in order to centralize the dissemination, management, and
1268 storage of data and information;

1269 (b) be located in the state;

1270 (c) be a new operation constructed on or after July 1, 2016;

1271 (d) consist of one or more buildings that total 150,000 or more square feet;

1272 (e) be owned or leased by:

1273 (i) the establishment; or

1274 (ii) a person under common ownership, as defined in Section 59-7-101, of the
1275 establishment; and

1276 (f) be located on one or more parcels of land that are owned or leased by:

1277 (i) the establishment; or

1278 (ii) a person under common ownership, as defined in Section 59-7-101, of the
1279 establishment.

1280 (102) "Regularly rented" means:

1281 (a) rented to a guest for value three or more times during a calendar year; or

1282 (b) advertised or held out to the public as a place that is regularly rented to guests for
1283 value.

1284 (103) "Rental" means the same as that term is defined in Subsection (59).

1285 (104) (a) Except as provided in Subsection (104)(b), "repairs or renovations of tangible
1286 personal property" means:

1287 (i) a repair or renovation of tangible personal property that is not permanently attached
1288 to real property; or

1289 (ii) attaching tangible personal property or a product transferred electronically to other
1290 tangible personal property or detaching tangible personal property or a product transferred
1291 electronically from other tangible personal property if:

1292 (A) the other tangible personal property to which the tangible personal property or
1293 product transferred electronically is attached or from which the tangible personal property or
1294 product transferred electronically is detached is not permanently attached to real property; and

1295 (B) the attachment of tangible personal property or a product transferred electronically
1296 to other tangible personal property or detachment of tangible personal property or a product

1297 transferred electronically from other tangible personal property is made in conjunction with a
1298 repair or replacement of tangible personal property or a product transferred electronically.

1299 (b) "Repairs or renovations of tangible personal property" does not include:

1300 (i) attaching prewritten computer software to other tangible personal property if the
1301 other tangible personal property to which the prewritten computer software is attached is not
1302 permanently attached to real property; or

1303 (ii) detaching prewritten computer software from other tangible personal property if the
1304 other tangible personal property from which the prewritten computer software is detached is
1305 not permanently attached to real property.

1306 (105) "Research and development" means the process of inquiry or experimentation
1307 aimed at the discovery of facts, devices, technologies, or applications and the process of
1308 preparing those devices, technologies, or applications for marketing.

1309 (106) (a) "Residential telecommunications services" means a telecommunications
1310 service or an ancillary service that is provided to an individual for personal use:

1311 (i) at a residential address; or

1312 (ii) at an institution, including a nursing home or a school, if the telecommunications
1313 service or ancillary service is provided to and paid for by the individual residing at the
1314 institution rather than the institution.

1315 (b) For purposes of Subsection (106)(a)(i), a residential address includes an:

1316 (i) apartment; or

1317 (ii) other individual dwelling unit.

1318 (107) "Residential use" means the use in or around a home, apartment building,
1319 sleeping quarters, and similar facilities or accommodations.

1320 ~~[(108) (a) "Retailer" means any person engaged in a regularly organized business in
1321 tangible personal property or any other taxable transaction under Subsection 59-12-103(1), and
1322 who is selling to the user or consumer and not for resale.]~~

1323 ~~[(b) "Retailer" includes commission merchants, auctioneers, and any person regularly
1324 engaged in the business of selling to users or consumers within the state.]~~

1325 ~~[(109)]~~ (108) "Retail sale" or "sale at retail" means a sale, lease, or rental for a purpose
1326 other than:

1327 (a) resale;

1328 (b) sublease; or

1329 (c) subrent.

1330 (109) (a) "Retailer" means any person engaged in a regularly organized business in
1331 tangible personal property or any other taxable transaction under Subsection 59-12-103(1), and
1332 who is selling to the user or consumer and not for resale.

1333 (b) "Retailer" includes commission merchants, auctioneers, and any person regularly
1334 engaged in the business of selling to users or consumers within the state.

1335 (110) (a) "Sale" means any transfer of title, exchange, or barter, conditional or
1336 otherwise, in any manner, of tangible personal property or any other taxable transaction under
1337 Subsection 59-12-103(1), for consideration.

1338 (b) "Sale" includes:

1339 (i) installment and credit sales;

1340 (ii) any closed transaction constituting a sale;

1341 (iii) any sale of electrical energy, gas, services, or entertainment taxable under this
1342 chapter;

1343 (iv) any transaction if the possession of property is transferred but the seller retains the
1344 title as security for the payment of the price; and

1345 (v) any transaction under which right to possession, operation, or use of any article of
1346 tangible personal property is granted under a lease or contract and the transfer of possession
1347 would be taxable if an outright sale were made.

1348 (111) "Sale at retail" means the same as that term is defined in Subsection [~~(109)~~]
1349 (108).

1350 (112) "Sale-leaseback transaction" means a transaction by which title to tangible
1351 personal property or a product transferred electronically that is subject to a tax under this
1352 chapter is transferred:

1353 (a) by a purchaser-lessee;

1354 (b) to a lessor;

1355 (c) for consideration; and

1356 (d) if:

1357 (i) the purchaser-lessee paid sales and use tax on the purchaser-lessee's initial purchase
1358 of the tangible personal property or product transferred electronically;

1359 (ii) the sale of the tangible personal property or product transferred electronically to the
1360 lessor is intended as a form of financing:

1361 (A) for the tangible personal property or product transferred electronically; and

1362 (B) to the purchaser-lessee; and

1363 (iii) in accordance with generally accepted accounting principles, the purchaser-lessee
1364 is required to:

1365 (A) capitalize the tangible personal property or product transferred electronically for
1366 financial reporting purposes; and

1367 (B) account for the lease payments as payments made under a financing arrangement.

1368 (113) "Sales price" means the same as that term is defined in Subsection (99).

1369 (114) (a) "Sales relating to schools" means the following sales by, amounts paid to, or
1370 amounts charged by a school:

1371 (i) sales that are directly related to the school's educational functions or activities
1372 including:

1373 (A) the sale of:

1374 (I) textbooks;

1375 (II) textbook fees;

1376 (III) laboratory fees;

1377 (IV) laboratory supplies; or

1378 (V) safety equipment;

1379 (B) the sale of a uniform, protective equipment, or sports or recreational equipment
1380 that:

1381 (I) a student is specifically required to wear as a condition of participation in a
1382 school-related event or school-related activity; and

1383 (II) is not readily adaptable to general or continued usage to the extent that it takes the
1384 place of ordinary clothing;

1385 (C) sales of the following if the net or gross revenues generated by the sales are
1386 deposited into a school district fund or school fund dedicated to school meals:

1387 (I) food and food ingredients; or

1388 (II) prepared food; or

1389 (D) transportation charges for official school activities; or

1390 (ii) amounts paid to or amounts charged by a school for admission to a school-related
1391 event or school-related activity.

1392 (b) "Sales relating to schools" does not include:

1393 (i) bookstore sales of items that are not educational materials or supplies;

1394 (ii) except as provided in Subsection (114)(a)(i)(B):

1395 (A) clothing;

1396 (B) clothing accessories or equipment;

1397 (C) protective equipment; or

1398 (D) sports or recreational equipment; or

1399 (iii) amounts paid to or amounts charged by a school for admission to a school-related
1400 event or school-related activity if the amounts paid or charged are passed through to a person:

1401 (A) other than a:

1402 (I) school;

1403 (II) nonprofit organization authorized by a school board or a governing body of a
1404 private school to organize and direct a competitive secondary school activity; or

1405 (III) nonprofit association authorized by a school board or a governing body of a
1406 private school to organize and direct a competitive secondary school activity; and

1407 (B) that is required to collect sales and use taxes under this chapter.

1408 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1409 commission may make rules defining the term "passed through."

1410 (115) For purposes of this section and Section 59-12-104, "school" means:

1411 [~~(a)~~ means:]

1412 [~~(i)~~] (a) an elementary school or a secondary school that:

1413 [~~(A)~~] (i) is a:

1414 [~~(i)~~] (A) public school; or

1415 [~~(ii)~~] (B) private school; and

1416 [~~(iii)~~] (ii) provides instruction for one or more grades kindergarten through 12; or

1417 [~~(iv)~~] (b) a public school district[~~; and~~].

1418 [~~(b)~~ includes the Electronic High School as defined in Section 53E-10-601.]

1419 (116) "Seller" means a person that makes a sale, lease, or rental of:

1420 (a) tangible personal property;

- 1421 (b) a product transferred electronically; or
- 1422 (c) a service.
- 1423 (117) (a) "Semiconductor fabricating, processing, research, or development materials"
- 1424 means tangible personal property or a product transferred electronically if the tangible personal
- 1425 property or product transferred electronically is:
 - 1426 (i) used primarily in the process of:
 - 1427 (A) (I) manufacturing a semiconductor;
 - 1428 (II) fabricating a semiconductor; or
 - 1429 (III) research or development of a:
 - 1430 (Aa) semiconductor; or
 - 1431 (Bb) semiconductor manufacturing process; or
 - 1432 (B) maintaining an environment suitable for a semiconductor; or
 - 1433 (ii) consumed primarily in the process of:
 - 1434 (A) (I) manufacturing a semiconductor;
 - 1435 (II) fabricating a semiconductor; or
 - 1436 (III) research or development of a:
 - 1437 (Aa) semiconductor; or
 - 1438 (Bb) semiconductor manufacturing process; or
 - 1439 (B) maintaining an environment suitable for a semiconductor.
- 1440 (b) "Semiconductor fabricating, processing, research, or development materials"
- 1441 includes:
 - 1442 (i) parts used in the repairs or renovations of tangible personal property or a product
 - 1443 transferred electronically described in Subsection (117)(a); or
 - 1444 (ii) a chemical, catalyst, or other material used to:
 - 1445 (A) produce or induce in a semiconductor a:
 - 1446 (I) chemical change; or
 - 1447 (II) physical change;
 - 1448 (B) remove impurities from a semiconductor; or
 - 1449 (C) improve the marketable condition of a semiconductor.
- 1450 (118) "Senior citizen center" means a facility having the primary purpose of providing
- 1451 services to the aged as defined in Section [62A-3-101](#).

1452 (119) (a) Subject to Subsections (119)(b) and (c), "short-term lodging consumable"

1453 means tangible personal property that:

1454 (i) a business that provides accommodations and services described in Subsection

1455 59-12-103(1)(i) purchases as part of a transaction to provide the accommodations and services

1456 to a purchaser;

1457 (ii) is intended to be consumed by the purchaser; and

1458 (iii) is:

1459 (A) included in the purchase price of the accommodations and services; and

1460 (B) not separately stated on an invoice, bill of sale, or other similar document provided

1461 to the purchaser.

1462 (b) "Short-term lodging consumable" includes:

1463 (i) a beverage;

1464 (ii) a brush or comb;

1465 (iii) a cosmetic;

1466 (iv) a hair care product;

1467 (v) lotion;

1468 (vi) a magazine;

1469 (vii) makeup;

1470 (viii) a meal;

1471 (ix) mouthwash;

1472 (x) nail polish remover;

1473 (xi) a newspaper;

1474 (xii) a notepad;

1475 (xiii) a pen;

1476 (xiv) a pencil;

1477 (xv) a razor;

1478 (xvi) saline solution;

1479 (xvii) a sewing kit;

1480 (xviii) shaving cream;

1481 (xix) a shoe shine kit;

1482 (xx) a shower cap;

- 1483 (xxi) a snack item;
- 1484 (xxii) soap;
- 1485 (xxiii) toilet paper;
- 1486 (xxiv) a toothbrush;
- 1487 (xxv) toothpaste; or
- 1488 (xxvi) an item similar to Subsections (119)(b)(i) through (xxv) as the commission may
- 1489 provide by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
- 1490 Rulemaking Act.
- 1491 (c) "Short-term lodging consumable" does not include:
- 1492 (i) tangible personal property that is cleaned or washed to allow the tangible personal
- 1493 property to be reused; or
- 1494 (ii) a product transferred electronically.
- 1495 (120) "Simplified electronic return" means the electronic return:
- 1496 (a) described in Section 318(C) of the agreement; and
- 1497 (b) approved by the governing board of the agreement.
- 1498 (121) "Solar energy" means the sun used as the sole source of energy for producing
- 1499 electricity.
- 1500 (122) (a) "Sports or recreational equipment" means an item:
- 1501 (i) designed for human use; and
- 1502 (ii) that is:
- 1503 (A) worn in conjunction with:
- 1504 (I) an athletic activity; or
- 1505 (II) a recreational activity; and
- 1506 (B) not suitable for general use.
- 1507 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1508 commission shall make rules:
- 1509 (i) listing the items that constitute "sports or recreational equipment"; and
- 1510 (ii) that are consistent with the list of items that constitute "sports or recreational
- 1511 equipment" under the agreement.
- 1512 (123) "State" means the state of Utah, its departments, and agencies.
- 1513 (124) "Storage" means any keeping or retention of tangible personal property or any

1514 other taxable transaction under Subsection 59-12-103(1), in this state for any purpose except
1515 sale in the regular course of business.

1516 (125) (a) Except as provided in Subsection (125)(d) or (e), "tangible personal property"
1517 means personal property that:

1518 (i) may be:

1519 (A) seen;

1520 (B) weighed;

1521 (C) measured;

1522 (D) felt; or

1523 (E) touched; or

1524 (ii) is in any manner perceptible to the senses.

1525 (b) "Tangible personal property" includes:

1526 (i) electricity;

1527 (ii) water;

1528 (iii) gas;

1529 (iv) steam; or

1530 (v) prewritten computer software, regardless of the manner in which the prewritten
1531 computer software is transferred.

1532 (c) "Tangible personal property" includes the following regardless of whether the item
1533 is attached to real property:

1534 (i) a dishwasher;

1535 (ii) a dryer;

1536 (iii) a freezer;

1537 (iv) a microwave;

1538 (v) a refrigerator;

1539 (vi) a stove;

1540 (vii) a washer; or

1541 (viii) an item similar to Subsections (125)(c)(i) through (vii) as determined by the
1542 commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
1543 Rulemaking Act.

1544 (d) "Tangible personal property" does not include a product that is transferred

1545 electronically.

1546 (e) "Tangible personal property" does not include the following if attached to real
1547 property, regardless of whether the attachment to real property is only through a line that
1548 supplies water, electricity, gas, telephone, cable, or supplies a similar item as determined by the
1549 commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
1550 Rulemaking Act:

- 1551 (i) a hot water heater;
- 1552 (ii) a water filtration system; or
- 1553 (iii) a water softener system.

1554 (126) (a) "Telecommunications enabling or facilitating equipment, machinery, or
1555 software" means an item listed in Subsection (126)(b) if that item is purchased or leased
1556 primarily to enable or facilitate one or more of the following to function:

- 1557 (i) telecommunications switching or routing equipment, machinery, or software; or
- 1558 (ii) telecommunications transmission equipment, machinery, or software.

1559 (b) The following apply to Subsection (126)(a):

- 1560 (i) a pole;
- 1561 (ii) software;
- 1562 (iii) a supplementary power supply;
- 1563 (iv) temperature or environmental equipment or machinery;
- 1564 (v) test equipment;
- 1565 (vi) a tower; or
- 1566 (vii) equipment, machinery, or software that functions similarly to an item listed in
1567 Subsections (126)(b)(i) through (vi) as determined by the commission by rule made in
1568 accordance with Subsection (126)(c).

1569 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1570 commission may by rule define what constitutes equipment, machinery, or software that
1571 functions similarly to an item listed in Subsections (126)(b)(i) through (vi).

1572 (127) "Telecommunications equipment, machinery, or software required for 911
1573 service" means equipment, machinery, or software that is required to comply with 47 C.F.R.
1574 Sec. 20.18.

1575 (128) "Telecommunications maintenance or repair equipment, machinery, or software"

1576 means equipment, machinery, or software purchased or leased primarily to maintain or repair
1577 one or more of the following, regardless of whether the equipment, machinery, or software is
1578 purchased or leased as a spare part or as an upgrade or modification to one or more of the
1579 following:

- 1580 (a) telecommunications enabling or facilitating equipment, machinery, or software;
- 1581 (b) telecommunications switching or routing equipment, machinery, or software; or
- 1582 (c) telecommunications transmission equipment, machinery, or software.

1583 (129) (a) "Telecommunications service" means the electronic conveyance, routing, or
1584 transmission of audio, data, video, voice, or any other information or signal to a point, or
1585 among or between points.

1586 (b) "Telecommunications service" includes:

1587 (i) an electronic conveyance, routing, or transmission with respect to which a computer
1588 processing application is used to act:

1589 (A) on the code, form, or protocol of the content;

1590 (B) for the purpose of electronic conveyance, routing, or transmission; and

1591 (C) regardless of whether the service:

1592 (I) is referred to as voice over Internet protocol service; or

1593 (II) is classified by the Federal Communications Commission as enhanced or value
1594 added;

1595 (ii) an 800 service;

1596 (iii) a 900 service;

1597 (iv) a fixed wireless service;

1598 (v) a mobile wireless service;

1599 (vi) a postpaid calling service;

1600 (vii) a prepaid calling service;

1601 (viii) a prepaid wireless calling service; or

1602 (ix) a private communications service.

1603 (c) "Telecommunications service" does not include:

1604 (i) advertising, including directory advertising;

1605 (ii) an ancillary service;

1606 (iii) a billing and collection service provided to a third party;

- 1607 (iv) a data processing and information service if:
- 1608 (A) the data processing and information service allows data to be:
- 1609 (I) (Aa) acquired;
- 1610 (Bb) generated;
- 1611 (Cc) processed;
- 1612 (Dd) retrieved; or
- 1613 (Ee) stored; and
- 1614 (II) delivered by an electronic transmission to a purchaser; and
- 1615 (B) the purchaser's primary purpose for the underlying transaction is the processed data
- 1616 or information;
- 1617 (v) installation or maintenance of the following on a customer's premises:
- 1618 (A) equipment; or
- 1619 (B) wiring;
- 1620 (vi) Internet access service;
- 1621 (vii) a paging service;
- 1622 (viii) a product transferred electronically, including:
- 1623 (A) music;
- 1624 (B) reading material;
- 1625 (C) a ring tone;
- 1626 (D) software; or
- 1627 (E) video;
- 1628 (ix) a radio and television audio and video programming service:
- 1629 (A) regardless of the medium; and
- 1630 (B) including:
- 1631 (I) furnishing conveyance, routing, or transmission of a television audio and video
- 1632 programming service by a programming service provider;
- 1633 (II) cable service as defined in 47 U.S.C. Sec. 522(6); or
- 1634 (III) audio and video programming services delivered by a commercial mobile radio
- 1635 service provider as defined in 47 C.F.R. Sec. 20.3;
- 1636 (x) a value-added nonvoice data service; or
- 1637 (xi) tangible personal property.

1638 (130) (a) "Telecommunications service provider" means a person that:
1639 (i) owns, controls, operates, or manages a telecommunications service; and
1640 (ii) engages in an activity described in Subsection (130)(a)(i) for the shared use with or
1641 resale to any person of the telecommunications service.
1642 (b) A person described in Subsection (130)(a) is a telecommunications service provider
1643 whether or not the Public Service Commission of Utah regulates:
1644 (i) that person; or
1645 (ii) the telecommunications service that the person owns, controls, operates, or
1646 manages.
1647 (131) (a) "Telecommunications switching or routing equipment, machinery, or
1648 software" means an item listed in Subsection (131)(b) if that item is purchased or leased
1649 primarily for switching or routing:
1650 (i) an ancillary service;
1651 (ii) data communications;
1652 (iii) voice communications; or
1653 (iv) telecommunications service.
1654 (b) The following apply to Subsection (131)(a):
1655 (i) a bridge;
1656 (ii) a computer;
1657 (iii) a cross connect;
1658 (iv) a modem;
1659 (v) a multiplexer;
1660 (vi) plug in circuitry;
1661 (vii) a router;
1662 (viii) software;
1663 (ix) a switch; or
1664 (x) equipment, machinery, or software that functions similarly to an item listed in
1665 Subsections (131)(b)(i) through (ix) as determined by the commission by rule made in
1666 accordance with Subsection (131)(c).
1667 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1668 commission may by rule define what constitutes equipment, machinery, or software that

1669 functions similarly to an item listed in Subsections (131)(b)(i) through (ix).

1670 (132) (a) "Telecommunications transmission equipment, machinery, or software"

1671 means an item listed in Subsection (132)(b) if that item is purchased or leased primarily for
1672 sending, receiving, or transporting:

1673 (i) an ancillary service;

1674 (ii) data communications;

1675 (iii) voice communications; or

1676 (iv) telecommunications service.

1677 (b) The following apply to Subsection (132)(a):

1678 (i) an amplifier;

1679 (ii) a cable;

1680 (iii) a closure;

1681 (iv) a conduit;

1682 (v) a controller;

1683 (vi) a duplexer;

1684 (vii) a filter;

1685 (viii) an input device;

1686 (ix) an input/output device;

1687 (x) an insulator;

1688 (xi) microwave machinery or equipment;

1689 (xii) an oscillator;

1690 (xiii) an output device;

1691 (xiv) a pedestal;

1692 (xv) a power converter;

1693 (xvi) a power supply;

1694 (xvii) a radio channel;

1695 (xviii) a radio receiver;

1696 (xix) a radio transmitter;

1697 (xx) a repeater;

1698 (xxi) software;

1699 (xxii) a terminal;

- 1700 (xxiii) a timing unit;
- 1701 (xxiv) a transformer;
- 1702 (xxv) a wire; or
- 1703 (xxvi) equipment, machinery, or software that functions similarly to an item listed in
- 1704 Subsections (132)(b)(i) through (xxv) as determined by the commission by rule made in
- 1705 accordance with Subsection (132)(c).
- 1706 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1707 commission may by rule define what constitutes equipment, machinery, or software that
- 1708 functions similarly to an item listed in Subsections (132)(b)(i) through (xxv).
- 1709 (133) (a) "Textbook for a higher education course" means a textbook or other printed
- 1710 material that is required for a course:
- 1711 (i) offered by an institution of higher education; and
- 1712 (ii) that the purchaser of the textbook or other printed material attends or will attend.
- 1713 (b) "Textbook for a higher education course" includes a textbook in electronic format.
- 1714 (134) "Tobacco" means:
- 1715 (a) a cigarette;
- 1716 (b) a cigar;
- 1717 (c) chewing tobacco;
- 1718 (d) pipe tobacco; or
- 1719 (e) any other item that contains tobacco.
- 1720 (135) "Unassisted amusement device" means an amusement device, skill device, or
- 1721 ride device that is started and stopped by the purchaser or renter of the right to use or operate
- 1722 the amusement device, skill device, or ride device.
- 1723 (136) (a) "Use" means the exercise of any right or power over tangible personal
- 1724 property, a product transferred electronically, or a service under Subsection [59-12-103\(1\)](#),
- 1725 incident to the ownership or the leasing of that tangible personal property, product transferred
- 1726 electronically, or service.
- 1727 (b) "Use" does not include the sale, display, demonstration, or trial of tangible personal
- 1728 property, a product transferred electronically, or a service in the regular course of business and
- 1729 held for resale.
- 1730 (137) "Value-added nonvoice data service" means a service:

1731 (a) that otherwise meets the definition of a telecommunications service except that a
1732 computer processing application is used to act primarily for a purpose other than conveyance,
1733 routing, or transmission; and

1734 (b) with respect to which a computer processing application is used to act on data or
1735 information:

- 1736 (i) code;
- 1737 (ii) content;
- 1738 (iii) form; or
- 1739 (iv) protocol.

1740 (138) (a) Subject to Subsection (138)(b), "vehicle" means the following that are
1741 required to be titled, registered, or titled and registered:

- 1742 (i) an aircraft as defined in Section 72-10-102;
- 1743 (ii) a vehicle as defined in Section 41-1a-102;
- 1744 (iii) an off-highway vehicle as defined in Section 41-22-2; or
- 1745 (iv) a vessel as defined in Section 41-1a-102.

1746 (b) For purposes of Subsection 59-12-104(33) only, "vehicle" includes:

- 1747 (i) a vehicle described in Subsection (138)(a); or
- 1748 (ii) (A) a locomotive;
- 1749 (B) a freight car;
- 1750 (C) railroad work equipment; or
- 1751 (D) other railroad rolling stock.

1752 (139) "Vehicle dealer" means a person engaged in the business of buying, selling, or
1753 exchanging a vehicle as defined in Subsection (138).

1754 (140) (a) "Vertical service" means an ancillary service that:

- 1755 (i) is offered in connection with one or more telecommunications services; and
- 1756 (ii) offers an advanced calling feature that allows a customer to:
 - 1757 (A) identify a caller; and
 - 1758 (B) manage multiple calls and call connections.

1759 (b) "Vertical service" includes an ancillary service that allows a customer to manage a
1760 conference bridging service.

1761 (141) (a) "Voice mail service" means an ancillary service that enables a customer to

1762 receive, send, or store a recorded message.

1763 (b) "Voice mail service" does not include a vertical service that a customer is required
1764 to have in order to utilize a voice mail service.

1765 (142) (a) Except as provided in Subsection (142)(b), "waste energy facility" means a
1766 facility that generates electricity:

1767 (i) using as the primary source of energy waste materials that would be placed in a
1768 landfill or refuse pit if it were not used to generate electricity, including:

1769 (A) tires;

1770 (B) waste coal;

1771 (C) oil shale; or

1772 (D) municipal solid waste; and

1773 (ii) in amounts greater than actually required for the operation of the facility.

1774 (b) "Waste energy facility" does not include a facility that incinerates:

1775 (i) hospital waste as defined in 40 C.F.R. 60.51c; or

1776 (ii) medical/infectious waste as defined in 40 C.F.R. 60.51c.

1777 (143) "Watercraft" means a vessel as defined in Section [73-18-2](#).

1778 (144) "Wind energy" means wind used as the sole source of energy to produce
1779 electricity.

1780 (145) "ZIP Code" means a Zoning Improvement Plan Code assigned to a geographic
1781 location by the United States Postal Service.

1782 Section 5. Section **63I-1-253** is amended to read:

1783 **63I-1-253. Repeal dates, Titles 53 through 53G.**

1784 The following provisions are repealed on the following dates:

1785 (1) Subsection [53-10-202](#)(18) is repealed July 1, 2018.

1786 (2) Section [53-10-202.1](#) is repealed July 1, 2018.

1787 (3) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.

1788 (4) Section [53B-18-1501](#) is repealed July 1, 2021.

1789 (5) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.

1790 (6) Section [53B-24-402](#), Rural residency training program, is repealed July 1, 2020.

1791 (7) Subsection [53C-3-203](#)(4)(b)(vii), which provides for the distribution of money
1792 from the Land Exchange Distribution Account to the Geological Survey for test wells, other

- 1793 hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1, 2020.
- 1794 (8) Section [53E-3-515](#) is repealed January 1, 2023.
- 1795 (9) Section [53F-2-514](#) is repealed July 1, 2020.
- 1796 (10) Section [53F-5-203](#) is repealed July 1, 2019.
- 1797 (11) Title 53F, Chapter 5, Part 6, American Indian and Alaskan Native Education State
1798 Plan Pilot Program, is repealed July 1, 2022.
- 1799 (12) Section [53F-6-201](#) is repealed July 1, 2019.
- 1800 (13) Section [53F-9-501](#) is repealed January 1, 2023.
- 1801 (14) Subsection [53G-8-211\(4\)](#), regarding referrals of a minor to court for a class C
1802 misdemeanor, is repealed July 1, 2020.
- 1803 Section 6. Section **63I-2-253** is amended to read:
- 1804 **63I-2-253. Repeal dates -- Titles 53 through 53G.**
- 1805 (1) Section [53A-24-602](#) is repealed July 1, 2018.
- 1806 (2) (a) Subsections [53B-2a-103\(2\)](#) and (4), regarding the composition of the UTech
1807 Board of Trustees and the transition to that composition, are repealed July 1, 2019.
- 1808 (b) When repealing Subsections [53B-2a-103\(2\)](#) and (4), the Office of Legislative
1809 Research and General Counsel shall, in addition to its authority under Subsection [36-12-12\(3\)](#),
1810 make necessary changes to subsection numbering and cross references.
- 1811 (3) (a) Subsection [53B-2a-108\(5\)](#), regarding exceptions to the composition of a
1812 technical college board of directors, is repealed July 1, 2022.
- 1813 (b) When repealing Subsection [53B-2a-108\(5\)](#), the Office of Legislative Research and
1814 General Counsel shall, in addition to its authority under Subsection [36-12-12\(3\)](#), make
1815 necessary changes to subsection numbering and cross references.
- 1816 (4) (a) Subsection [53B-7-705\(6\)\(b\)\(ii\)\(A\)](#), the language that states "Except as provided
1817 in Subsection (6)(b)(ii)(B)," is repealed July 1, 2021.
- 1818 (b) Subsection [53B-7-705\(6\)\(b\)\(ii\)\(B\)](#), regarding comparing a technical college's
1819 change in performance with the technical college's average performance, is repealed July 1,
1820 2021.
- 1821 (5) (a) Subsection [53B-7-707\(4\)\(a\)\(ii\)](#), the language that states "Except as provided in
1822 Subsection (4)(b)," is repealed July 1, 2021.
- 1823 (b) Subsection [53B-7-707\(4\)\(b\)](#), regarding performance data of a technical college

1824 during a fiscal year before fiscal year 2020, is repealed July 1, 2021.

1825 (6) (a) The following sections, regarding the Regents' scholarship program, are
1826 repealed on July 1, 2023:

1827 (i) Section [53B-8-202](#);

1828 (ii) Section [53B-8-203](#);

1829 (iii) Section [53B-8-204](#); and

1830 (iv) Section [53B-8-205](#).

1831 (b) (i) Subsection [53B-8-201\(2\)](#), regarding the Regents' scholarship program for
1832 students who graduate from high school before fiscal year 2019, is repealed on July 1, 2023.

1833 (ii) When repealing Subsection [53B-8-201\(2\)](#), the Office of Legislative Research and
1834 General Counsel shall, in addition to its authority under Subsection [36-12-12\(3\)](#), make
1835 necessary changes to subsection numbering and cross references.

1836 (7) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is
1837 repealed July 1, 2023.

1838 (8) Subsection [53E-5-306\(3\)\(b\)\(ii\)\(B\)](#), related to improving school performance and
1839 continued funding relating to the School Recognition and Reward Program, is repealed July 1,
1840 2020.

1841 (9) Section [53E-5-307](#) is repealed July 1, 2020.

1842 (10) Subsections [53F-2-205\(4\)](#) and (5), regarding the State Board of Education's duties
1843 if contributions from the minimum basic tax rate are overestimated or underestimated, the
1844 language that states "or [53F-2-301.5](#), as applicable" is repealed July 1, 2023.

1845 (11) Subsection [53F-2-301\(1\)](#), relating to the years the section is not in effect, is
1846 repealed July 1, 2023.

1847 (12) Subsection [53F-2-515\(1\)](#), the language that states "or [53F-2-301.5](#), as applicable"
1848 is repealed July 1, 2023.

1849 (13) Section [53F-4-204](#) is repealed July 1, 2019.

1850 [~~(14)~~ Section [53F-6-202](#) is repealed July 1, 2020.]

1851 [~~(15)~~] (14) Subsection [53F-9-302\(3\)](#), the language that states "or [53F-2-301.5](#), as
1852 applicable" is repealed July 1, 2023.

1853 [~~(16)~~] (15) Subsection [53F-9-305\(3\)\(a\)](#), the language that states "or [53F-2-301.5](#), as
1854 applicable" is repealed July 1, 2023.

1855 ~~[(17)]~~ (16) Subsection [53F-9-306\(3\)\(a\)](#), the language that states "or [53F-2-301.5](#), as
1856 applicable" is repealed July 1, 2023.

1857 ~~[(18)]~~ (17) Subsection [53G-3-304\(1\)\(c\)\(i\)](#), the language that states "or [53F-2-301.5](#), as
1858 applicable" is repealed July 1, 2023.

1859 ~~[(19)]~~ (18) On July 1, 2023, when making changes in this section, the Office of
1860 Legislative Research and General Counsel shall, in addition to the office's authority under
1861 Subsection [36-12-12\(3\)](#), make corrections necessary to ensure that sections and subsections
1862 identified in this section are complete sentences and accurately reflect the office's perception of
1863 the Legislature's intent.

1864 Section 7. Section **63I-2-263** is amended to read:

1865 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

1866 (1) On July 1, 2020:

1867 (a) Subsection [63A-3-403\(5\)\(a\)\(i\)](#) is repealed; and

1868 (b) in Subsection [63A-3-403\(5\)\(a\)\(ii\)](#), the language that states "appointed on or after
1869 May 8, 2018," is repealed.

1870 (2) Title 63C, Chapter 19, Higher Education Strategic Planning Commission, is
1871 repealed July 1, 2020.

1872 (3) Section [63H-7a-303](#) is repealed on July 1, 2022.

1873 (4) On July 1, 2019:

1874 (a) in Subsection [63J-1-206\(2\)\(c\)\(i\)](#), the language that states "Subsection (2)(c)(ii) and"
1875 is repealed; and

1876 (b) Subsection [63J-1-206\(2\)\(c\)\(ii\)](#) is repealed.

1877 (5) Section [63J-4-708](#) is repealed January 1, 2023.

1878 (6) Subsection [63N-3-109\(2\)\(f\)\(i\)\(B\)](#) is repealed July 1, 2020.

1879 ~~[(7) Section [63N-3-110](#) is repealed July 1, 2020.]~~

1880 Section 8. Section **63N-3-105** is amended to read:

1881 **63N-3-105. Qualification for assistance.**

1882 (1) Except as provided in Section [63N-3-108](#), [63N-3-109](#), or [63N-3-109.5](#), [~~or~~
1883 [63N-3-110](#)], the administrator shall determine which industries, companies, and individuals
1884 qualify to receive money from the Industrial Assistance Account. Except as provided by
1885 Subsection (2), to qualify for financial assistance from the restricted account, an applicant

1886 shall:

1887 (a) demonstrate to the satisfaction of the administrator that the applicant will expend
1888 funds in Utah with employees, vendors, subcontractors, or other businesses in an amount
1889 proportional with money provided from the restricted account at a minimum ratio of 2 to 1 per
1890 year or other more stringent requirements as established from time to time by the board for a
1891 minimum period of five years beginning with the date the loan or grant was approved;

1892 (b) demonstrate to the satisfaction of the administrator the applicant's ability to sustain
1893 economic activity in the state sufficient to repay, by means of cash or appropriate credits, the
1894 loan provided by the restricted account; and

1895 (c) satisfy other criteria the administrator considers appropriate.

1896 (2) (a) The administrator may exempt an applicant from the requirements of Subsection
1897 (1)(a) or (b) if:

1898 (i) the financial assistance is provided to an applicant for the purpose of locating all or
1899 any portion of its operations to an economically disadvantaged rural area;

1900 (ii) the applicant is part of a targeted industry;

1901 (iii) the applicant is a quasi-public corporation organized under Title 16, Chapter 6a,
1902 Utah Revised Nonprofit Corporation Act, or Title 63E, Chapter 2, Independent Corporations
1903 Act, and its operations, as demonstrated to the satisfaction of the administrator, will provide
1904 significant economic stimulus to the growth of commerce and industry in the state; or

1905 (iv) the applicant is an entity offering an economic opportunity under Section
1906 [63N-3-109](#).

1907 (b) The administrator may not exempt the applicant from the requirement under
1908 Subsection [63N-3-106\(2\)\(b\)](#) that the loan be structured so that the repayment or return to the
1909 state equals at least the amount of the assistance together with an annual interest charge.

1910 (3) The administrator shall:

1911 (a) for applicants not described in Subsection (2)(a):

1912 (i) make findings as to whether or not each applicant has satisfied each of the
1913 conditions set forth in Subsection (1); and

1914 (ii) monitor the continued compliance by each applicant with each of the conditions set
1915 forth in Subsection (1) for five years;

1916 (b) for applicants described in Subsection (2)(a), make findings as to whether the

1917 economic activities of each applicant has resulted in the creation of new jobs on a per capita
1918 basis in the economically disadvantaged rural area or targeted industry in which the applicant is
1919 located;

1920 (c) monitor the compliance by each applicant with the provisions of any contract or
1921 agreement entered into between the applicant and the state as provided in Section 63N-3-107;
1922 and

1923 (d) make funding decisions based upon appropriate findings and compliance.

1924 Section 9. **Repealer.**

1925 This bill repeals:

1926 Section 53A-1a-804, **Scholarship program created -- Qualifications -- Application.**

1927 Section 53A-1a-805, **Eligible private schools.**

1928 Section 53A-1a-806, **Scholarship payments.**

1929 Section 53A-1a-808, **Board to make rules.**

1930 Section 53A-1a-811, **Review by legislative auditor general.**

1931 Section 53E-10-601, **Definitions.**

1932 Section 53E-10-602, **Electronic High School created -- Purpose.**

1933 Section 53E-10-603, **Courses and credit.**

1934 Section 53E-10-604, **Student eligibility for enrollment.**

1935 Section 53E-10-605, **Services to students with disabilities.**

1936 Section 53E-10-606, **Payment for an Electronic High School course.**

1937 Section 53E-10-607, **Electronic High School diploma.**

1938 Section 53E-10-608, **Review by legislative auditor general.**

1939 Section 53E-10-609, **State contribution for the Electronic High School.**

1940 Section 53F-2-313, **Weighted pupil units for career and technical education**

1941 **set-aside programs.**

1942 Section 53F-2-413, **Alternative programs.**

1943 Section 53F-2-509, **Grants for field trips to the State Capitol.**

1944 Section 53F-2-517, **Quality Teaching Block Grant Program -- State contributions.**

1945 Section 53F-2-518, **Appropriation for retirement and social security.**

1946 Section 53F-5-208, **Reading Performance Improvement Scholarship Program.**

1947 Section 53F-6-202, **Smart School Technology Program.**

- 1948 Section **53G-3-103**, Legislative findings.
- 1949 Section **53G-4-1001.5**, Purpose of part.
- 1950 Section **63N-3-110**, Selection of educational technology provider to implement
- 1951 **whole-school one-to-one mobile device technology deployment plan for schools.**